United States Court of Appeals

for the Second Circuit

APPENDIX

76-6071

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

B

W. J. USERY, JR., SECRETARY OF LABOR,
UNITED STATES DEPARTMENT OF LABOR, APPELLANT

v.

COLUMBIA UNIVERSITY, A Corporation, and WILLIAM
J. McGILL, Individually and as President of
COLUMBIA UNIVERSITY, APPELLEES

Appeal from the United States District Court
for the Southern District of New York

APPENDIX

VOLUME II

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* * * * * * [758]

J O S E G A R C I A, having first been duly sworn by the Court Clerk, through the Interpreter, upon being examined, testified as follows:

[759]

* * * * * *

DIRECT EXAMINATION

BY MR. BERKE:

Q Mr. Garcia, where are you employed?

A McVickar Building.

Q This is in Columbia University?

A Right.

Q What is your job?

A Porter-heavy cleaner.

Q How long have you been so employed?

A One year and eight months.

Q What shift do you work?

A From 12 at night to 8:30 in the morning.

Q Where do you report?

A McVickar.

Q After you report to McVickar, how long do you stay there?

A Until 12 at night where I go to the other building where I work.

Q So that you don't perform any work in McVickar?

A No.

Q You just report there?

A I punch the card and I change my clothes.

Q In what buildings do you perform work?

A 606 West 114 and 604.

Q Which building do you go to first?

A 606.

Q What do you do when you enter 606?

A The first thing I do is take the garbage out of the garbage baskets in the offices.

Q How many baskets do you take the garbage out of in 606?

A Three in each office.

Q How many offices are there?

A Three on each floor.

Q I believe there may be some mix up. How many baskets are there in each office?

A One basket in each office.

Q I see. So there are not three in each office?

A Each office has three departments and a bathroom.

Q And there is one basket in each department, is that it?

A Yes.

Q What do you do with -- once you empty the waste baskets, what are you emptying them into?

A In a plastic bag.

Q What do you do with the plastic bag?

A When I finish I put them out on the street.

Q When you put them out on the street, what do you use to carry them?

A With my hands.

Q You don't push a big, large, heavy truck?

A Not in that building I don't use it.

Q How about in building 604, do you push a heavy truck there?

A The same thing.

Q The same thing meaning you don't push a big, heavy truck in 604?

A No, not in that building.

Q Do you take the trash out in 604?

A Yes, the two jobs are a same. The same thing in both jobs.

Q So in 604 and 606 you only take the trash out with your hands, is that correct?

A Yes.

Q How many bundles of trash do you take out all told in the evening?

A Two and three in an office, never less than one, large bag.

Q In total, how many is that in an evening?

INTERPRETER: He wants to know large or small.

THE COURT: That's the question I was just about to ask because I think there is some confusion arising as to whether this man is toting a number of little bags or one big one.

Q Could you define for us or describe for us what you would consider a large bag of trash?

A What I call large I put all the small ones in.

Q Is that made of plastic?

A Yes.

Q And it ties at the top?

A Yes.

Q How many of these large bags which you have just

described do you take out in total in an evening?

A Two or one, one and a half, depending on the job.

Q That's all told all evening?

A All night.

Q Now, Mr. Garcia, do you operate heavy motor driven cleaning equipment?

A No. Not in this building.

Q Have you ever?

A The polyester machine where I worked in the building when I first started working.

Q For what period of time did you operate that machine?

A Two weeks.

Q Have you operated the machine since that time?

A No.

Q And you have been with the University a total of how long?

THE COURT: A year and nine months.

MR. BERKE: Thank you.

Q Have you, except for the first two weeks, stripped floors?

A No.

Q Have you polished marble or brass?

A No.

Q Have you moved furniture?

A No.

Q Have you moved furniture even within a room?

A The chairs when I am going to sweep the floors.

Q Have you moved furniture from room to room?

A No.

Q Have you hosed sidewalks?

A No.

Q Did you hose sidewalks in the first two weeks of your job?

A No.

Q So then you have never hosed sidewalks?

A No.

Q Have you ever, including the first two weeks of your job, shoveled snow?

A No.

Q Have you ever, including the first two weeks of your job, moved trash, many large bundles of trash, with a heavy truck?

A No.

Q Have you ever, including the first two weeks of your job, changed a light pulb?

A In the halls when the light bulbs are burnt out and I need the light.

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Q When you change these light bulbs do you use a ladder?

A My feet.

Q So then you reach up to change them?

A Yes.

Q Have you ever had need for a ladder?

A No.

Q Let me make it more clear. Have you ever had need for a ladder in doing any of your tasks?

A Never.

Q Have you ever turned on and off ventilation equipment?

A Only the air conditioner, that's all.

Q And how often do you turn this on?

A When the persons working in the building leave them on I turn them off.

Q And what does this amount to?

A Well, if this night I arrive and they are on I turn them off, that's all.

Q Are they household type air conditioners?

A Yes.

Q Have you ever shampooed a carpet?

A No. Do you mean a rug or a carpet?

THE COURT: Mr. Garcia, do you know what is meant

by the word "carpet?"

THE WITNESS: Rug.

THE COURT: Have you ever shampooed a rug?

THE WITNESS: Only two offices, that's all.

Q And when was this, Mr. Garcia?

A When they are dirty, especially in the winter when snow dirties them, or else I just clean them with a broom.

Q When was the last time you shampooed one?

A About three or four weeks ago.

Q And when was the last time before that?

A I don't remember. Probably last winter.

Q By a few months ago do you mean the summer?

A Not in the summer. The winter. From the snow it becomes dirty.

Q When you said you did it a few months ago, did you mean in the summer?

A That's right.

Q Then when you said last winter you meant the winter before this past summer?

MR. STITT: So stipulated.

MR. BERKE: Thank you.

Q Now, Mr. Garcia, are you familiar with 55 gallon drums?

A Not so much. Five gallons the most.

Q Have you ever lifted a 55 gallon drum?

A No. They come in four or five gallons.

Q Have you ever seen a 55 gallon drum?

A Never in my life.

Q How do you get your wax?

A In five gallons.

Q Who brings them to you?

A The supplier of the University.

Q So where do you pick up your wax?

A In the lobby of the building in which I work it is left.

Q And it comes to you in what kind of a container?

A A can.

Q Is that the same as a pail?

A Yes.

Q So it is not a drum at all, is it?

A A pail is a can.

Q Yes. Is it sealed?

A Yes.

Q It has a top on it?

A Yes.

MR. BERKE: It is a drum.

MR. STITT: I think that's been drummed into us.

Q Mr. Garcia, after you finish the garbage in 606

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what do you do?

A I clean the furniture.

Q How do you go about doing this?

A I clean it with a rage.

Q Is that a dust rag?

A Yes.

Q How long do you do this dusting?

A 20 minutes to 25 minutes per room.

Q How many rooms?

A Three rooms.

Q That's three in 604?

A The two buildings are exactly the same.

Q So that you also dust three rooms in 606?

A Yes.

Q And each of those rooms takes 25 minutes apiece to dust?

A Yes. 25, more or less.

Q For each room?

A Yes.

Q After you are done with your dusting in 606, what do you do then?

A I clean the bathrooms.

Q How many bathrooms do you clean?

A 17.

Q How many toilets in each bathroom?

A One.

Q How many sinks in each bathroom?

A One.

Q When you say 17 toilets, do you mean in each building?

A In both.

Q When you are cleaning these bathrooms, what exactly do you do?

A The sink, the toilets, the toilets on the wall, and the floor.

Q When you wash the wall, how high do you wash?

A More or less five feet.

Q Is that only as high as you can reach?

A It is what is there.

Q You can reach higher?

A Yes.

Q But you don't have to?

A No.

O When you are done with the toilets, then what do you do?

A I pass the dust mop.

Q Over what?

A In the offices the floors are made out of wood.

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Q When you are through dust mopping what do you do?
A The halls and the stairs.
Q And what do you do in the hall?
A The same thing. I pass a dust mop.
Q Do you wet mop?
A Only in the lobby of the building.
Q How often?
A Every day.
Q How big is the lobby?
A From here to that entrance.
Q Indicating about half the size of the courtroom?
A The lobby is what I am talking about.
MR. BERKE: Yes, I know he is speaking of the lobby.
Q Is it as large as half the size of the courtroom?
A More or less, but narrower.
Q What do you do on the stairs?
A I pass a dust mop. Once a month I wax the stairs.
Q Do you wax with a machine?
A With a mop.
Q Do you wet mop the stairs?
A Yes.
Q How often do you do that?
A When I wax.
Q Do you ever unload trucks?

A No.

Q What do you do after you do the stairs?

A Well, after I finish with that job I check all the offices that are locked.

Q Do you have occasion to use a vacuum?

A Sometimes I use them in two offices.

Q Is it a household type vacuum?

A Yes.

Q Do you have to carry it from building to building?

A Sometimes I do it because mine is broken.

Q Was there a time before your vacuum was broken?

A You mean that I went to get to the other side?

Q No, I mean did you ever not have to carry it?

A No.

Q Do you mean your vacuum has always been broken?

A No.

Q Did you at any time have a vacuum in both buildings?

A There is one for both.

MR. BERKE: No further questions.

THE COURT: Plaintiffs Walker et al, any questions?

MS. GOODMAN: No.

THE COURT: We will take a recess now for about ten minutes.

(Recess.)

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THE COURT: Continue, Mr. Stitt.

CROSS EXAMINATION

BY MR. STITT:

Q Mr. Garcia, you stated that you begin your 12 midnight to 8:30 a.m. shift by reporting to the McVickar Building?

A At a quarter to 12 I punch the clock.

Q And that is in McVickar?

A Yes.

Q And where is McVickar located?

A 622 West 113th Street

Q Is that off campus or on campus?

MR. BERKE: Objection, your Honor. I don't think the witness can define the campus area for us. That is a question of proof for the Court to decide.

THE COURT: Does it bear on any issue as to whether it is off or on?

MR. STITT: Yes, it does.

THE COURT: Do you mind telling me how?

MR. STITT: The working conditions.

THE COURT: You mean it is a different establishment?

MR. STITT: I intend to show he works off campus and by himself outside the areas which are patrolled by University security.

MR. BERKE: The location he works is clear, but whether it is considered campus or not that is not for this gentleman.

THE COURT: Is he competent to say whether it is off or on campus in that sense?

MR. STITT: First of all we will establish the location, and I will withdraw the question.

THE COURT: All right, the question is withdrawn.

Q Is that west of Broadway?

A Yes. Between Broadway and Riverside.

Q Is the approximate location depicted on this map which is 101 in evidence?

A The building marked McVickar?

Q Yes, to which I am pointing with my pencil.

A This is Broadway, right?

Q No, this is Riverside Drive along here and this is Broadway.

A It is more towards Riverside than Broadway.

Q How do you get from McVickar to the buildings in which you work?

A Walking.

Q Which streets do you walk along to get to 604 and 606 West 116th Street?

A Broadway.

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Q Do you walk along?

A Alone with two more persons which work in the building. Not in my building.

Q Does any University guard accompany you as you walk from McVickar to 604 and 606?

MR. BERKE: I object to this, your Honor.

THE COURT: I will permit it. Overruled.

Q May I have an answer to the question?

A No.

Q Do you work in 604 and 606 alone?

A Alone.

Q Is there any University guard at either of those buildings?

A Is there are? No.

Q If there are you haven't seen them, have you?

A What is there is the super of the building.

Q And what is his name?

A I don't know.

Q Is he asleep between 12 and eight?

A I don't know what he does in his house because I haven't seen him.

Q And there is no security guard?

A In the building, no.

Q In both buildings, 604 and 606?

A It is the same building which is traveled within.

Q You testified about some five gallon drums in which you keep a wax solution.

A And soap, also.

Q Do you carry those drums upstairs?

A Yes.

Q Do you receive any help in carrying those drums?

A No, that is not every day. That is every five or six months.

Q Whenever he does it, does he do it himself or does somebody else help him carry this material?

A Alone.

Q Now, you have testified about a vacuum in each building.

A I have not said in each building. One for each building.

Q You have one vacuum which you use in each of the two buildings, is that right?

A I have two buildings which I use it with rugs only.

Q Does he carry that vacuum up to the top of each building?

A It is on the floor on which I use them.

Q Who carries it upstairs?

A I don't know, but when I arrive they are there.

Q Downstairs, upstairs? Where are they?

A Third floor.

Q And when they have to be moved from floor to floor, who moves them?

A I only move them on the floor which have the rugs where they are.

Q On occasion, does he carry the vacuum from one building to another?

A When mine is broken I go look for it in the building beside it.

Q Does he receive any help in carrying his vacuum?

A It is very small.

MR. STITT: I move to strike the answer.

THE COURT: The answer is stricken.

Q The question is, does he receive any help when he carries that vacuum.

A No.

Q You testified about wet mopping lobbies.

A The lobby.

Q Is that just in one building or two?

A In one.

Q Is that 604 or 606?

A 606.

Q He testified about wet mopping the stairs. Does he

do that in each building?

A Yes.

Q Does he wash blackboards?

Excuse me, do you wash blackboards?

A There are none of those there.

Q Does he wash walls in either one of these buildings?

A No. Not with water.

Q What is it?

A Not with water.

Q Does he wipe blackboards?

A There are none.

Q You testified about some training that you received.

A When I started working the first two weeks.

Q Where did he receive that training, in what building?

A Jury.

MR. STITT: Your Honor, there seems to be no such building.

Q Is that Uris?

A I suppose it is.

Q Can you locate it for us on the map which is Exhibit 101?

A That one.

MR. STITT: Let the record show the witness is pointing to a building marked Uris.

Q Did you have a trainer or instructor when you went to work at Uris?

A There was one person there for that purpose.

Q What is his name?

A Jackson, I think.

Q Are you familiar with floor machines?

A Those two weeks.

Q Is it your testimony that you received training in the use of floor machines during this two-week period?

A Not during the two weeks. During those two weeks they gave me the whole training.

Q Tell us about the training you received during this period, in your own words.

A Mop the floors, wax, scrubbing machine.

Q Would you describe this scrubbing machine for us?

A A scrubbing floor machine.

Q Is that equipment motor driven?

A Yes.

Q And how often did you work with that machine during this two-week period?

A Three hours this night, three hours the next day, more or less.

Q How many days did he work with the machine?

A I am telling you three hours one day, three hours

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the next.

Q Did you receive any training in buffing?

A No.

Q Would you describe the training that you received in mopping?

A Well, putting water with the mop on the floor.

Q What sort of equipment did you work with?

A A mop and a pail.

Q When did you receive this training?

A I started January 15 of 1972.

Q '72 or '73?

A '72.

* * * * * * *

Q Isn't it a fact that your training period encompassed

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four weeks?

A That's right. I made a mistake. It is four weeks. I am sorry.

* * * * * * *

* * * * * * [780]

Q Have you ever been called upon to work in buildings other than 604 and 606?

A No.

Q Is he on call to work in other buildings?

A That is my fixed job, always there.

Q How old are you, Mr. Garcia?

A 39.

Q What is your height and weight?

A Six feet. My weight is 170.

* * * * * *

[784]

BY MS. GOODMAN:

* * * * * *

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Q You testified that in the first week of your training you stripped floors or scrubbed floors?

A I don't remember whether it was the first or second, but I know I did it.

Q How many hours did you do it?

A One night, three or four hours.

Q And that was the first or second night?

A I don't know it. I don't remember. I know I did it.

Q Did you that following week strip floors or scrub floors?

A I don't remember. I know I did it. The same answer. I don't know.

Q But after the first time you scrubbed for three or four hours, did you scrub again?

A Of course.

Q How often?

A The same.

Q Three or four hours?

A Yes.

Q Was it three or four hours every night, do you think?

A Not every day I did it.

Q Twice a week?

A I don't know. I don't remember.

Q About twice a week, though?

A I don't remember.

Q Were you paid extra when you stripped floors?

A Yes.

* * * * * * [791]

I R E N I O C O R D E R O , having first been duly sworn by the Court Clerk, through the Interpreter, upon being examined, testified as follows:

DIRECT EXAMINATION

BY MR. BERKE:

* * * * * *

[792]

Where do you work, Mr. Cordero?

A Butler Library.

Q And that's in Columbia Library, is that correct?

A Yes.

Q What is your occupation?

A Janitor.

Q What is your shift?

A From 12 to 8:30,

Q How long have you worked for Columbia?

A 11 years.

Q Have you worked in any other buildings besides Butler in those eleven years?

A No.

Q Mr. Cordero, what do you do when you come into work, the first thing?

A Well, I change my clothes, I mean my uniform, that is the first thing.

Q Then what do you do?

A Well, when it is 12 I put on my gloves, I put water in the pail, I look for all the equipment that I need for my job.

Q What equipment do you need, sir?

A I use water, soap used for the toilets, something that is called Temp for cleaning walls, and a sponge that is called a scrubbing sponge, and other sponges, and a mop.

Q Do you use any other equipment that you have not yet mentioned?

A Sometimes I use something to clean the doors. Sometimes.

Q What do you use, sir, to clean the doors?

A I don't remember its name.

Q Can you describe it?

A No, because they give me that ready.

Q Mr. Cordero, once you have your equipment what do you do?

A When I have the equipment, I clean everything but I don't finish because it is a lot.

Q What exactly must you clean?

A I have to clean the mirrors, the white walls, the

floors, the sinks, toilets, and the walls.

Q These are in the bathrooms, Mr. Cordero?

A In the bathrooms.

Q How many bathrooms do you clean?

A 16.

Q On what floors are these bathrooms?

A On the east and on the west and on the first, second, third, fourth and fifth and sixth.

Q How big is the bathroom on the third floor?

A There are six large ones and the other ones are small.

Q When you say six large ones, do you mean in the whole building or on the third floor?

A Six on one side large. On that side there is only one small one. On the other side are the rest of the small ones.

Q But when you say six large, and the rest small, do you mean in the whole building or only on the third floor?

A No, there are two on the first floor that are large, one on the second, and then there is one small one on the third, one large one on the fourth, one large one on the fifth, and one large one on the sixth, one small one on the other side. On the third floor there are two on one side that are small. On the fourth floor they are all small. On

the fifth floor I have three.

THE COURT: Mr. Berke, is this the only work this man does?

MR. BERKE: Mostly.

THE COURT: Does it make any difference then if we catalogue by floor if they are big or little?

MR. BERKE: No, but Columbia University has made an issue of the difference of cleaning large as opposed to small bathrooms. Instead of asking what a typical bathroom was I wanted to show there were large and small. He answered more specifically than I thought he would.

Q Mr. Cordero, how many toilets are in a typical large bathroom?

A There are four.

Q And how many toilets are in a typical small bathroom?

A There are two. Sometimes there are one. Only on the fifth floor are there two bathrooms that have one.

Q How many sinks are in a large bathroom?

A 42.

Q 42 sinks in a large bathroom?

A No, no.

Q Let me repeat the question. How many sinks are there in a typical large bathroom?

A Four.

Q When you clean a bathroom, what do you do?

A First, I clean the dust with dry rags. Then I clean the sinks, I clean the toilets, and then I mop. Sometimes I clean the walls, but I can't clean all of them because it takes time.

Q When you clean the walls, how high do you clean?

A Up to where I can reach.

Q Do you use a ladder?

A No.

Q Have you ever used a ladder?

A No.

Q Mr. Cordero, when you are done doing the bathrooms, then what do you do?

A Well, when I finish it is already time to go because there is no more time. I never finish.

Q Mr. Cordero, you do handle trash, don't you?

A Yes.

Q What time of the day do you start handling trash?

A From five to 5:30.

Q How do you handle this trash?

A In a truck, filling it up and taking it outside.

Q How many bags of trash are in a typical truck load?

A It could be 16. It depends on the weight of the garbage, because sometimes a lot of heavy books are thrown out.

Q What is the lowest amount of trash bags that you can remember on the cart?

A 25.

Q Didn't he just say 16 before?

A Well, when they are heavy there are 16.

Q Have there ever been less than 16?

A When they are heavy, yes.

Q How few have there been?

A The smallest quantity, maybe ten.

Q And you move these on a big truck, is that correct?

A Before, not now, because I am sick.

Q How long have you not been moving the trash?

A I move it, but now I use a small truck.

Q How many bags fit on a small truck?

THE COURT: Are you going to take the position the man's activities are tailored because he is sick having a bearing on this case?

MR. BERKE: No.

THE COURT: Then I don't see there is any relevance to asking him what he is doing at this point when he is sick.

MR. BERKE: I just want to get back in point of time to see how long ago he was using this.

Q Before you were sick, was taking the trash out a regular part of your job?

A Yes, but somebody else collected it.

Q Who collected it?

A The ones that worked during the day.

Q Do you know if they were men or women?

A Men.

Q Mr. Cordero, have you ever used a stripping machine?

A No.

Q Do you know what a stripping machine is?

A Yes.

Q What about when you began eleven years ago?

A Never.

Q Were you shown how to use this machine?

A No.

Q When you began 11 years ago, did you have a training program?

A There was one but I never took it.

Q Mr. Cordero, are you familiar with 55 gallon drums?

A Please repeat.

Q Are you familiar with 55 gallon drums?

A 55 gallons? I don't understand. What are you referring to?

MR. BERKE: I will withdraw the question.

Q Do you wax floors?

A No.

Q Have you ever helped another janitor wax floors?

A No.

Q Have you ever carried -- Mr. Cordero, would you look at me?

THE COURT: Yes, I was going to have you ask Mr. Cordero if he feels well as he sits here.

INTERPRETER: He says please forgive him but he is sick since he works at night for that reason.

THE COURT: Does he feel that the questioning of him is such that his health permits him to give fair and considered answers to the questions that are being put to him?

INTERPRETER: I am answering fine.

THE COURT: Go ahead.

Q Mr. Cordero, have you ever carried containers of wax which measure as long as my hands are holding (indicating three feet)?

A No.

Q Have you ever hosed sidewalks?

A No.

Q Have you ever shoveled snow?

A No.

Q Have you ever changed light bulbs?

A No.

Q Have you ever shampooed rugs?

A No.

Q I may be repeating myself, I am sorry if I do. Have you ever used a stripping machine?

A No.

Q Mr. Cordero, you testified that you handled the garbage between five and 5:30. Is that correct?

A Yes.

Q Do you ever take longer in handling the trash?

A When it is more. When it is a lot.

Q Can you remember the last time you took over one half hour?

A Yes.

Q When was this, Mr. Cordero?

A Well, the day before yesterday, Monday, we had to take two large trucks.

Q Has it sometimes taken you as much as an hour?

A Yes.

Q And sometimes two hours?

A Yes.

Q Besides handling trash, and cleaning the bathrooms, what else do you do?

A Sometimes they send me, they order me to take the mops, what they call dust mops, to exchange them for clean ones, and bring the wax sometimes in drums.

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Q Then sometimes they have ordered you to bring the wax in drums?

A Yes, it is brought in drums.

Q Then before when I said had you ever seen a drum like this, you have?

A The drum is much larger.

Q It is larger than that?

A Yes.

Q Apologize.

A This long (indicating).

Q When was the last time --

THE COURT: Wait a minute. The witness puts his arms out fully extended.

Q When is the last time you touched one of these drums?

A About two months.

Q And before that?

A It was brought in pails.

Q So that two months ago you touched a drum?

A Yes.

Q Do you remember what you did with it?

A Well, we took it where it is called the store room and we deposited it in the building in which I worked.

Q When was the time before that time that you last handled a drum?

A I said two months.

Q And before the two months ago?

A Well, sometimes we bought pails and those contained about three gallons.

Q But the drums, when was the last time you handled the drums before the two months ago?

A I don't remember. It has been a long time.

Q Do you know how many times in your 11 years you have handled the drums?

A About four times.

Q Before you got sick, how many days did you work on the trash?

A Five days.

MR. STITT: May we specify the period?

Q When did you get sick?

A About a month ago.

MR. BERKE: I have no further questions.

THE COURT: Plaintiffs' Walker, et al, any questions?

MS. LIBOW: We just have a couple of questions.

BY MS. LIBOW:

Q Mr. Cordero, you testified about the big drums.

A Yes, with others.

Q With other people, you say?

A Yes.

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mdal Cordero - direct [803]

Q How many other people?

A With two more or one more.

Q Each time that you did this, the four times in all the time you have worked at Columbia, there were other people helping you?

A Yes.

Q Were you ever required to use a stripping machine?

A No.

* * * * * * [804]

CROSS EXAMINATION

BY MR. STITT:

Q Mr. Cordero, I show you a two-page document marked Exhibit J for identification. I ask you if that is your signature on the second page at the bottom.

A Yes, sir.

Q While I am putting the questions to you I would like you to be referring to the statement.

A Yes.

* * * * * *

Q Is it true that you clean lavatories from the first

to the sixth floor at Butler Library?

A Yes.

Q In cleaning those, are these public lavatories for women?

A For women.

Q And in cleaning these lavatories, do you use a truck with two buckets?

A Yes.

Q And does this truck also have a wringer?

A Yes.

Q And do you also have three mops?

A That is used when cleaning the halls on the second floor, two for there and one for the bathroom.

Q Are these buckets -- we describe the truck on which these buckets are located.

A Please repeat the question.

MR. STITT: I will withdraw the question.

Q How long is the truck, Mr. Cordero?

A As long as that table. A little bit shorter.

Q Five and a half to six feet?

A Something of that sort.

Q How wide?

A Like this (indicating).

Q About two, two and a half feet wide?

A I can't tell you. I know it is this way (indicating).

Q Approximately two feet wide?

A Yes, like this (indicating).

Q Would you describe the buckets on this truck? How high are the buckets?

A This high (indicating) it is low, but it has two floors, one below and one up.

Q Are these buckets four feet high?

A About this height (indicating).

Q Indicating perhaps three and a half feet high?

MR. BERKE: I would object to that characterization of three and a half feet high.

MR. STITT: I believe you are right.

Q About two and a half feet high?

A I can't describe it to you, but it is about this height.

Q About as high as this railing is from the floor?

A I am trying to tell you. It has a cover like this up to here (indicating), and then it has some cleaning stuff, rags, soap, and then below the pails something to hang the brooms on, things to clean the toilets with.

Q How high from the bottom of the buckets to the top of the buckets?

A This is the highest.

Q Indicating about two and a half feet?

MR. BERKE: I object. I think the witness is indicating the size of the cart. I think it is unfortunate he doesn't understand understand and we should keep hammering away.

THE COURT: Overruled.

Q About two and a half feet high, Mr. Cordero?

A I don't know more or less what is the height. I know it is about this, more or less.

Q How far from the floor to the top of the bucket?

A I carry it like this (indicating). More or less about this height.

Q About three feet?

A It could be. I don't know.

Q Is that your best estimate?

MR. DRYFOOS: Your Honor, I object. The witness has answered the question. The witness says he doesn't know.

THE COURT: He pointed out his ways, which I assume is roughly three feet from the ground.

MR. DRYFOOS: Maybe we can make that assumption, but he can't. Maybe we ought to measure it.

THE COURT: Let's go on.

Q Do you also mop the floors?

MS. GOODMAN: Your Honor, there really is a very difficult problem here because we are unclear. He seems to be indicating the same height for the carts and for the bucket.

THE COURT: If there are any problems here you have to right of redirection, and you can clear up anything that you believe to be unclear.

We are getting on toward five o'clock and it doesn't look like we are going to finish with this man in the next 15 or 20 minutes.

MR. STITT: I believe I will finish with him in 10 minutes, your Honor.

THE COURT: Then we will try to finish with him tonight.

Q Is it true you also wet mop the floor in these lavatories?

A Yes.

Q Is it also true you wash the walls in these lavatories?

A Yes.

Q Is it also true you wash the sinks in these lavatories?

A Yes.

Q Is it true that you work in these lavatories from approximately midnight to about five in the morning?

A Up to 8:30 in the morning I have to work.

Q But is it true that during the first five hours of your shift you work in these lavatories, these 16 or 18 lavatories?

A During the five hours? I work the whole night. I don't understand.

Q Is it true that five o'clock you and Mr. Amaro help remove garbage from Butler Library?

A Yes.

Q Is it true that you and Mr. Amaro put this garbage on a large truck?

A He carries one and I the other.

Q One man to each truck?

A For each truck.

Q How long is the trash truck that you use?

MR. BERKE: Your Honor, I think the term large was used, and we have all kinds of testimony.

MR. STITT: That's why I am asking how long it is.

THE COURT: Overruled.

A The large one is about the length of that table, and the small one is about this length, but there is one that is taller.

Q How long is the truck that you use?

A Like this, the one that I use (indicating).

Q Is this truck you use about eight feet long?

A The length, yes.

Q And is it about three to four feet wide?

A Longer than that table.

Q In width?

A As wide as that, but this high (indicating).

Q Perhaps as much as four feet wide and six feet high?

A More or less.

Q Is it true that you load garbage into this truck?

A Yes.

Q And is it true that you then push this truck out of Butler Library?

A Yes. I take it out.

Q Is it true you take out more than one load?

A Yes. I also take more.

Q Is it true -- is this garbage piled on the top of the truck?

A Yes.

Q And is it true that on occasion you spend two hours pushing this garbage, loading and pushing this garbage?

A When it is a lot.

Q Who hours?

A Yes, when it is a lot, a whole lot.

Q Is it true that sometimes you and Gabriel Amaro are

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called upon to help other men move 55 gallon drums and that you perform this duty every two or three months? And I direct your attention to the first sentence on the second page of your signed statement.

* * * * * * *

I am going to ask the Interpreter to read or translate that sentence to you before I put this question.

I ask you whether it is not true that sometimes you and Gabriel Amaro, another janitor at Butler, are called upon to help others move 55 gallon drums in another building and that you do this task once every two or three months?

A I don't know how much the drums weigh. I know they are heavy drums.

Q About four feet high?

A They are this height and this length (indicating).

Q About four feet high and more than two feet wide?

A That is something I can't answer you, the length and the width.

Q Is it true that he performs this task every two or three months?

A Which task?

Q Moving these drums.

A Not always.

Q But approximately every two or three months, on an average?

A No. Sometimes there aren't any.

MR. BERKE: I object. This statement is being used like Grange minutes, and this isn't even an interborn statement, and the man can't even speak English, and it was an attempt by the Department of Labor to make a work product. The man signed it, but as an impeachment tool it is virtually worthless, your Honor.

MR. STITT: I object to that.

THE COURT: This is argument of counsel. Go ahead, Mr. Stitt.

Q Is it true that on occasion you and Mr. Amaro clean the hallway on the second floor of Butler?

A Yes.

Q And in cleaning that hallway do you wet mop with soap and water?

A Yes.

Q And when you do this task, does it take you about two hours?

A Yes.

MR. STITT: Your Honor, as a supplement to this witness' testimony I ask that Exhibit J for identification, his signed statement of July 29, 1974, be received.

MR. BERKE: Your Honor, I would ask for a voir dire on that statement, on the way it was taken. Then I have really no objection after that to it being received because it will show it was not sworn, or written by Mr. Cordero. It was read back to him. I believe I can adduce the conditions under which it was taken, so I don't believe Mr. Cordero has in any way been caught in a lie, which is what I think Mr. Stitt is suggesting.

MR. STITT: I am not asking any such thing. I am asking it be received as a supplement to this witness' testimony.

THE COURT: Let me ask you this. For example, this

says "Sometimes Gabriel and I are called upon to help others move 55 gallon drum in another building maybe once every two or three months". Obviously, if that is something he said to you people and you read it back to him and he signed it it does bear upon his statement he moved it four times in 11 years.

MR. BERKE: We are able to show that that statement was taken, as we have an interpreter here, so we had an interpreter there, and the interpreter was a small boy who happens to be seated in the next room. I am calling the boy, if this man can't substantiate it, I can call the attorney who took the statement. It is not sworn.

The man may have said what he said today, he moved a drum about two or three months ago, and I think that using that statement is so terribly unfair to the man and to the Court. If Mr. Stitt would like to ask him straight up did he do it four times in four years or does he do it every two or three months, that's what we have to ask this man. That statement, your Honor, is absolutely worthless as evidence in the first place, and as an impeachment tool --

THE COURT: If it was read back to him in Spanish, and he signed it, it is wholly admissible and probative of the contents.

MR. BERKE: Then I would ask before it is let in

evidence for a voir dire on the matters you now speak of.

THE COURT: All right, we will take that up on the morning of October 21.

Now, Mr. Witness, at this point you may step down, sir.

MR. STITT: May I ask a couple more questions.

Q Will you give us your height, weight and age, Mr. Cordero?

A Is has been a long time since I have been measured, but I was five feet and six inches then. The weight, 145 now.

Q And your age, sir?

A 50 years.

* * * * * *

XXX MARGARET LEONARD, called as a witness in behalf of the plaintiffs, having been first duly sworn by the Clerk of the Court, testified as follows:

* * * * * *

XXX DIRECT EXAMINATION

BY MISS BODIAN:

Q Would you state your address for the record, please?

A 167 West 146th Street.

Q Mrs. Leonard, where are you presently employed?

A Columbia University.

COURT REPORTERS U.S. COURTHOUSE

cmjp Leonard-direct [841]

Q What is your occupation?

A Maid.

Q You are a woman, is that correct?

A Yes.

Q How long have you been working at Columbia University, or, when were you hired? What date?

A 1955.

Q You are on which shift?

A When I started, it was 5:30 to 10:00.

Q No, presently which shift do you work on?

A Oh, twelve midnight to 8:30.

Q Where are you located?

A Mudd Building.

Q What other buildings have you worked in since you have been employed at Columbia University?

A Chandler, Dodge, Pupin and Mudd.

Q How long have you been assigned to Mudd Building?

A About nine years I'd say.

Q Which floors are you assigned to work on in the Mudd Building?

A Second floor and the twelfth.

Q Do you handle trash, or empty trash as a part of your nightly duty?

A Yes, I do.

Q How do you go about doing this job of emptying trash?

A We have carts that has our working tools and a barrel that we empty the trash into, large barrel, from the wastebaskets.

Q Do you use plastic bags in this job of emptying trash?

A Yes.

Q Could you explain that--

A We have a large plastic bag in the barrel and small plastic bags in the trash basket.

Q When you fill up the large plastic bag, what do you do with the trash?

A You take it out and you take it to the elevator for the janitor to pick it up.

Q When you say take it, is that carting it, or dragging it? How do you do that?

A Well, you drag it, you push it, the cart, to the elevator, or you drag it, whichever way you prefer.

Q No, I'm asking what you do.

A Well, I drag it to the elevator.

Q How do you get the large bag out of the barrel?

A I tilt the bag over and I pull it out that way (indicating).

Q You tilt the barrel over?

A Yes, to the floor.

Q How many bags do you fill up of those large bags in one night?

A Well, sometimes it might be three, sometimes it might be five. It all depends.

Q Do you use a dust mop in your job?

A Yes, I do.

Q What areas, what kind of areas do you dust mop?

A Classrooms, offices, laboratories.

Q Do you ever dust mop in hallways?

A Yes, I do. Yes.

Q Any particular ones?

A On both floors, second and twelfth.

Q Do you dust mop around chairs and other kinds of furniture?

A I move the chairs, the ones that I can. Whatever I can move that's light enough.

Q Have you ever had to wear a face mask when you dust mopped?

A I do sometimes if the dust is heavy in the classroom, they are very dirty, I put on the mask for my protection.

Q You say you work in laboratories. About how many

laboratories do you clean in one night?

A Maybe about four, because I don't clean them on both floors each night unless they are very dirty.

Q So in all, how many laboratories are you assigned to for the week?

A I'd say about six.

MR. STITT: Your Honor, if I may have a moment.

Mr. Reporter, do you have the word "laboratory" as lab?

THE REPORTER: Yes.

MISS BODIAN: I will state for the record that when I'm talking about laboratories, we are talking presently about science laboratories.

Q When you clean the laboratories in other rooms that you are assigned to, do you unlock and lock the laboratories before and after you clean them?

A Yes, I do.

Q How do you carry your keys for locking and unlocking these rooms?

A Well, we have a strap that we use that looks like a leash and we attach the keys onto that strap.

Q So you have keys that will open how many rooms?

A It's a master key and it opens all rooms on whatever floor you are working on.

Q How do you clean the laboratories?

A With a dust mop.

Q Do you have any other kind of duties in the laboratories?

A Dusting, if there's space is cleared, but if they have papers or bottles or whatever on, I can't dust it because we are not allowed to touch anything.

Q Are those special instructions you have had?

A Yes.

Q Do you clean supply closets and the closet sinks as well?

A Yes, we do.

Q Have you ever wet mopped floors?

MR. STITT: I object to the question, your Honor. There is no specification as to time.

MISS BODIAN: I will ask the witness to specify what time she wet mops.

MR. STITT: I will object to any testimony prior to March 11, 1971.

THE COURT: Overruled. Go ahead.

Q Have you ever wet mopped floors?

A Not in recent years, only the first years.

Q You have. Tell me, when did you wet mop floors and in which building?

cmjp Leonard-direct [846]

MR. STITT: May I have the witness' answer read back, Mr. Reporter? I didn't get it all.

(Answer read.)

BY MISS BODIAN:

Q Could you tell me which buildings you wet mopped, and, if you can recall, as precisely as you can what years you wet mopped the floors?

A Well, in my first years my duties were to wet mop and dust classrooms, laboratories and offices.

MR. STITT: Now, if your Honor please, I move to strike the testimony, "In my first years." I have no idea as to what date or time is being referred to.

Q Yes, could you tell us--

THE COURT: I will deny the motion assuming that the time is supplied. Go ahead.

Q Could you tell us what your first years were? Can you name the years?

A Well, I started in '55.

Q Okay. Which building are you referring to now?

A The Chandler.

Q How many years were you working in Chandler?

A Well, I don't remember exactly.

Q As exactly as you can.

A I would say five or six years.

cmjp Leonard-direct [847]

Q Are you referring then to the period from 1959 through approximately--

A '55.

Q I mean 1955 to approximately 1960.

A Yes. Well, I'm not sure exactly how many years.

Q But is it somewhere in that period?

A Yes.

Q What types of floor did you wet mop?

A Tile floors.

Q Did you ever clean stairways?

A Yes, I did.

Q Could you tell me what period that was?

A At the same time, from '55 to--

Q And that would be in the same building as well?

A At Chandler.

Q Have you ever cleaned bathrooms?

A Yes, on the particular floor that we worked on we had to clean the bathroom.

MR. STITT: May we have the time fixed?

THE COURT: You may.

Q Could you state the time?

A Beg your pardon?

Q Could you state the time? The period? Was that at the same time?

A Oh, yes, as long as I worked in the building, yes, I had to clean the bathrooms.

Q You are still referring to Chandler Building?

A Chandler, yes.

Q And you stated earlier that you worked in Pupin.

A Yes, I did.

Q Did you do any of these duties such as wet mopping in Pupin?

A Yes, I did.

Q What time period was that? As close as you can remember. I know it was a long time ago.

A I'll say about four or five years I was in Pupin. I'm not sure exactly the amount of years, but I'll say approximately.

Q Now, I want to go back to dust mopping again. You--

MR. STITT: May we specify the time and building, your Honor?

MISS BODIAN: I will.

Q I'm referring now to your job that you currently hold, and I would like you to tell us what the dust mop is like that you use every night.

A Well, it's a 24-inch mop, it's about the same as any house mop only it's longer, and that's about the only thing I can say.

Q Do you change your mops when they get dirty?

A Once a week.

Q How is that done?

A Well, we take it off of the stick.

Q The head of the mop are you referring to?

A The head of the mop, yes.

Q Could you describe the head of that mop for us?

A It's, as I said, the head of the mop is 24 inches long.

Q Is it specially treated?

A Yes, it's oiled. Yes, it's a treated mop.

Q When it gets dirty, what do you do with it?

A Well, we change once a week. We take it off and they send it out.

Q Could you describe how you mop a room with, say, a classroom--do you have a classroom you mop?

A Yes.

Q How would you mop a classroom?

A Well, I move the chairs and I dust that and I move another row of chairs and I push that dirt to the front of the classroom until I do the entire classroom, and then I shake the mop out and pick up the trash with the dust pan and brush.

Q When is the mop head changed?

A On Wednesday morning.

Q Is the mop any more efficient when you have it new than when it is old?

THE COURT: How is this relevant to these issues?

A Oh, yes.

THE COURT: How is this relevant to these issues?

MISS BODIAN: Your Honor, I just want to bring out that dust mopping does have some variations, that it does get to be a more difficult job as the week goes through.

MR. STITT: Your Honor, I submit that this is now leading the witness.

THE COURT: Is this going to be very long?

MISS BODIAN: No, I'm almost finished, your Honor.

THE COURT: All right, go ahead.

MISS BODIAN: Could you read the question back, please?

(Question read.)

BY MISS BODIAN:

Q Is the mop any more efficient when--

A Yes, it is, because it doesn't have as much dirt in it, so it's easier to use when you first get it. Fresh mop.

Q So are you not able to shake the mop out?

A Yes, I'm able to--

cmjp Leonard-direct/cross [851]

MR. STITT: I object--I will withdraw the objection.

Q Could you explain more fully what you mean by more efficient when it's new?

A Well, I mean when it's new, it's not as heavy, it's easier to push around because it's not a lot of dirt and grit in it and the oil is fresher.

MISS BODIAN: That's all, your Honor.

THE COURT: Mr. Stitt.

MISS BOODMAN: No questions, your Honor.

THE COURT: Mr. Stitt.

XX

CROSS EXAMINATION

BY MR. STITT:

Q Can you hear me from over here, Mrs. Leonard?

A Yes, I can.

Q Now, you are a night cleaner at the Mudd Building?

A Yes.

Q And you have been there from 1965 to the present day?

A '55.

Q 1955. But you have been at Mudd for nine years, have you not?

A Yes, approximately.

Q So you have been in Mudd since about 1965?

A Right.

Q Do I understand that you are assigned to areas on the second floor?

A Yes.

Q And also the twelfth floor?

A Yes.

Q And you have told us that you are assigned to offices?

A Yes.

Q Laboratories?

A Yes.

Q Classrooms?

A Yes.

Q Are you also assigned to any seminar rooms?

A Yes, I am.

Q Have you also testified with regard to the corridors you dust mop?

A Yes, I do.

Q Do you work in any other areas?

A Besides the second floor and the twelfth?

Q Yes, besides those that I just mentioned, these classrooms--

A Yes. When we have someone out, we have to cover their areas.

Q But generally, that's another office or another

laboratory or another classroom?

A Yes.

Q And your duties include emptying ash trays?

A Yes.

Q And emptying waste paper baskets?

A Yes.

Q And you put these, you empty the waste baskets into a plastic bag which is on your cart?

A Yes.

Q And you have told us that you leave that at the elevator?

A Yes.

Q And you dust and wipe with cloths?

A Yes. Treated cloths.

Q With the treated cloths. And you do this as high as you can reach?

A Yes, that's right.

Q And no higher?

A No.

Q Are there any other duties which you presently do, and I am referring to your work at Mudd and I am referring to the period beginning March, 1971.

Have you told us of all your duties during that period?

A Yes, I have.

Q Now, your equipment includes a cart which you push along the hallways?

A That's right.

Q Is this called a wastemobile?

A I don't know what it's called.

Q Have you seen other maids using this kind of cart that you use?

A All the maids have the same thing.

Q And that's on wheels?

A Yes, it is.

MISS BODIAN: Your Honor, could I have that more specific? Are you referring in your questioning to--

THE COURT: I will overruled the objection. If you want to go into it on redirect, you may.

MR. STITT: Yes, I would prefer to go ahead, your Honor.

Q Now, do you also use a vacuum cleaner?

A No, I don't.

Q Do you use a carpet sweeper?

A Carpet sweeper, yes.

Q Is this a Bissell type carpet sweeper?

A Yes, it is.

Q It weighs about seven pounds?

A I don't know how many pounds, but it's a carpet sweeper.

Q If I were to suggest to you that this weighs about seven pounds, would you say that's about right?

A Oh, I couldn't say because--well, I just couldn't say. Only thing I could say it's an ordinary carpet sweeper.

Q Does it weigh less than a household vacuum cleaner?

A Yes, of course.

Q And you also use rags?

A Yes.

Q Do you use sponges?

A Yes.

Q Do you use a 24-inch dust mop?

A Yes.

Q Is there any other equipment that you use on your job at Mudd?

A That's all.

Q Now, you're not assigned to the lavatories at Mudd, are you? I am spelling it now with a "V". The public washrooms.

A Oh, no. No.

Q How many stories are there in Mudd?

A 15.

Q How many men's and women's rooms are there on each

floor?

A Well, that I couldn't say because some floors they have one and it might be a men's room or a ladies' room, some they have two. So I really couldn't--

Q But you are not assigned to the cleaning of these men's and women's rooms at Mudd, are you?

A No, I'm not.

Q Who does the cleaning of those men's and women's rooms, the public lavatories?

A The janitors.

Q How often do they do it?

A Every night.

Q Is it true that the janitors are assigned to the stairwells at Mudd?

A Yes, they are.

Q Have you seen them wet mop those stairwells?

A Yes, I have.

Q Is that done every night?

A Well, that I don't know because I'm in the area that I work.

Q But you have seen them wet mop those stairways during the course of your work at Mudd?

A Yes.

Q Are there elevators at Mudd?

A Yes, there are.

Q Are the janitors the ones who are assigned to clean those elevators?

A Yes, they are.

Q Have you seen them wet mop those elevators?

A Yes, I have.

Q Is that done every night?

A Well, I don't know. They have a carpet on some of the elevators, they have to be vacuumed.

Q There are some elevators that don't have carpeting?

A Yes.

Q And you have seen janitors wet mop those elevators?

A Yes.

Q Is that done every night to your knowledge?

A To my knowledge.

Q Now, you have testified that you only dust mop in the corridors; that's correct, isn't it?

A Yes, that's right.

Q Is it the janitors who wet mop the corridors?

A Yes.

Q Have you seen them do it?

A Yes.

Q Is that done every night?

A No.

Q How often? On the floors to which you are assigned.

A Well, they are dirty with coffee spots or whatever spots they are.

Q In any event, when those corridors have to be wet mopped, it is the janitors who do that wet mopping?

A Yes.

Q And on occasion, do these corridors have to be stripped?

A Yes, they do.

Q Is it the janitors who do the stripping?

A Yes.

Q On occasion do these corridors have to be waxed and buffed?

A Yes.

Q Is it the janitors who do the waxing and the buffing of those corridors?

A Yes.

Q You have seen them do all of those things as well?

A Yes.

Q At Mudd, you are not assigned to wet mopping, are you?

A No.

Q Or stripping?

A No.

Q Or waxing?

A No.

Q Or buffing?

A No.

Q Or shampooing carpets?

A No.

Q You have testified that it is the janitors who clean these large public lavoratories and they do it every night?

A Yes.

Q Have you seen the equipment that they use?

A Yes, I have.

Q Would you describe that equipment for us, please?

A Well, they have something like a little cart that they have two pails of water on.

Q Are those 44-quart pails?

A I don't know.

Q About 15 inches across and a foot and a half deep?

A Yes, I would say that.

Q Have you also seen mop trucks in Mudd?

A What kind?

Q Large trucks divided into two parts, soapy solution in one part and rinsing water in another.

A Yes.

Q And they use those trucks at Mudd also?

A Yes.

Q How large are those trucks? How wide, how long and how deep?

A That's hard for me to say. I really can't say.

Q Do you use any such equipment in your work?

A No, I don't.

Q Are those trucks about six feet long?

A I really don't know.

Q Well, compare it to that table which Mr. Nye and Mr. Limitone are sitting at. Is it about as long as this table (indicating)?

A No. No, not that long.

Q About four feet long? How wide?

A Only thing I can say is it's long enough to hold those two large pails.

Q All right. Who takes care of the trash after you leave it at the elevator?

A The janitor.

Q What is his name?

A Well, the one that takes care of it now his name is Mr. Richman.

Q Mr. Richman?

A Yes.

Q Have you seen Mr. Richman put bags of garbage on a trash truck?

A Yes.

Q Have you seen him take that trash truck down the elevator?

A He pushes it out to the street.

Q You have seen him do that, haven't you?

A Yes.

Q He does that by himself?

A Yes. Sometimes he has someone to help. The janitor.

Q He has another janitor?

A Yes.

Q But you have seen Mr. Richman do that himself?

A Yes.

Q And also the janitor who preceded him; isn't that right?

A Yes.

Q And that trash has to be loaded on those trucks and taken out at night every night; isn't that so?

A Yes.

Q And it is the janitors who do that and not you as a maid?

A No.

Q Just so the record will be clear, it is the janitors who do that?

A It is the janitors, yes.

Q And you don't do it?

A No, I don't.

Q And you haven't seen any other maid do it, have you?

A No.

Q Have you seen the floor machines that janitors use to do this stripping that we talked about a few moments ago?

A Yes, I have.

Q Do they also use it to shampoo carpets and wax?

A I don't know. I have never seen them so I don't know what they use.

Q These machines go about 17 to 25 inches in diameter?

A I have no idea.

Q Do they weigh as much as 90 to 150 pounds?

A I have no idea about that, either.

Q They are a lot bigger than anything you use; isn't that true?

A Yes.

Q And you don't use these floor machines, do you?

A No, I don't.

Q Have you ever had any training in the use of these floor machines?

A No.

Q And you have testified that you don't use this mopping equipment consisting of the large pails that we mentioned earlier?

A No, I don't.

Q It is the janitors who do that?

A Yes.

Q Are you familiar with what might be described as a wet-dry industrial type vacuum cleaner?

A The one that picks up water and you can use it for vacuuming a rug, too; is that what you mean?

Q That might be one type. I'm talking about an industrial type cleaner which is larger than the household type.

A I don't know.

Q You have never seen those?

A If I did, I didn't know what it was.

Q In any event, you have never been required to use that type of vacuum, have you?

A No.

Q It is the janitors who use that vacuum; isn't that

so?

A If they use it, it's the janitors.

Q Now, we have had testimony about 55-gallon drums of cleaning solvents. Have you ever seen any of those items?

A Yes.

Q Have you ever been required to receive or store or use such 55-gallon drums in your work?

A No.

Q Who takes care of those 55-gallon drums?

A The men take care of that.

Q The janitors take care of it?

A Yes.

Q On occasion, does a light bulb, say one at the top of this room, in Mudd have to be changed?

B5 A Yes, sure.

Q Does that require work on ladders?

A Yes.

Q You have seen that, haven't you?

A Yes.

Q Are you required to go up on one of those ladders at the top of this floor?

A No.

Q Who does that?

A The janitors do that.

cmjp Leonard-cross [865]

Q Mrs. Leonard, I'm going to have to ask you some personal information. Would you mind telling me your height and your weight?

MISS GOODMAN: Objection, your Honor, as irrelevant.

MISS BODIAN: The secretary objects as well, your Honor.

THE COURT: Overruled.

A My weight and height? Well, I would say I'm about five foot one or two. My weight is, as far as I know, 155.

* * * * * *

[866]

Q I believe you testified, Mrs. Leonard, that on occasion you had to fill in for another maid?

A Yes.

Q Are you ever required to fill in for a janitor?

A No.

* * * * * *

XX

REDIRECT EXAMINATION

BY MISS BODIAN:

Q When you cover for other maids, do your duties differ from your own?

A The same. The same as I do on my floors.

Q How many janitors work in Mudd Building on your shift? Approximately, if you don't know exactly.

A I'd say approximately six. I'm not sure it's that many, but I'll say six.

Q Have you seen all of them?

A Yes, sure.

Q On what occasions do you observe janitors?

A Well, when you go in at night and when they're doing their work, or maybe doing a bathroom on the floors or something. You see them at lunch time, in the morning when you're leaving.

Q How do you know how often janitors clean elevators?

A Well, they know how often they are supposed to, so I assume that they do.

Q Is that true for corridors as well?

A Yes.

MR. STITT: I object to the form of the question.

Q How do you know how often janitors clean corridors?

MR. STITT: Your Honor, I object to the form.

THE COURT: If she knows. No, overruled. Go ahead.

Q Could you answer the question?

A Well, do you mean spotting or stripping or--

Q Wet mopping.

A Well, as often as--they have coffee stains, sometimes it has to be done twice a week sometimes.

Q No, my question is a little bit different. I'm asking you how do you know how frequently that it's done.

A Well, if it's on my floor, then I know when they do it. If it's on the floor that I work on.

Q So how often do they do it on your floor?

A Well, if it's pretty bad with coffee stains, it has to be done.

Q How often would that be?

A Well, I'll say twice a week.

Q In what ways does your vacuum sweeper differ from a household type sweeper?

A Well, it's not a vacuum. A vacuum is electric, and this you push by hand.

THE COURT: It's a carpet sweeper.

THE WITNESS: A carpet sweeper.

Q How does your carpet sweeper differ from a household type of carpet sweeper?

THE COURT: If it does.

Q If it does.

A Well, it's run by--the vacuum is run by electricity, it picks up better, it cleans the carpet better.

THE COURT: No. Strike the answer.

MISS BODIAN: Strike that, please.

THE COURT: Mrs. Leonard, you testified on direct

examination that you use a carpet sweeper.

THE WITNESS: Yes, sir.

THE COURT: That is what we are talking about, what you use.

Go ahead.

Q Is your carpet sweeper like or different from a carpet sweeper used in the home?

A Oh, it's the same. Oh, it's the same as a household carpet sweeper.

Q Are there any differences at all?

A No, it's no different.

Q How do you empty the dust from the carpet sweeper?

A It has a lever on the side under the bottom that you pull it back and you clean it out and you clean the dust out.

Q In what way do you do that? Do you empty it into something?

A Onto a piece of newspaper.

Q How do you dispose of it?

A Put it in the trash barrel.

Q How frequently do you do that?

A Once a week, twice a week.

Q When do you see Mr. Richman push the trash truck?

A In the morning he pushes it out to the street.

Every morning.

Q How long do you observe him doing that?

A Well, as long as it takes him to push--

Q Do you stand and watch him do that?

A No, I don't stand, but if I happen to be down on the floor at the main floor at that time when he pushes it out, I see him do that.

Q Have you ever seen a janitor use a wet-dry vacuum?

A I don't know what a wet-dry vacuum is. If I had seen it, I--

Q Have you ever observed a janitor move a 55-gallon drum full of fluid?

A No.

Q Are lights changed in your building every night?

A I think the day men are the ones that do that.

Q So have you never observed a janitor change lights?

A I have seen the ones in the morning, yes, when I observed them.

Q Have you ever observed a night janitor change lights?

A No.

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XXX

RECROSS EXAMINATION [874]

BY MR. STITT:

Q You were asked on redirect, Mrs. Leonard, about your seeing Mr. Richman push the garbage truck out of Mudd.

A Yes.

Q To the street.

A Yes.

Q And he pushes that up a ramp, does he not?

A Yes.

Q Is there a bulletin board in Mudd?

A Yes.

Q Do you look at that bulletin board on occasion?

A Occasionally, yes.

Q Are there jobs posted on that bulletin board?

A Yes, there is.

Q Are there courses offered by the university posted on that bulletin board?

A Yes.

Q Have you seen applications or openings for janitor or heavy cleaner jobs on that bulletin board?

A Yes, I have.

cmjp Leonard-recross [875]

Q Have you ever applied for any such janitor or heavy cleaning job?

A No.

* * * * * * [875]

Q I neglected to ask you about a lobby. Is there a lobby in Mudd?

A Yes, there is.

Q On occasion, does that have to be wet mopped?

A Yes.

Q And stripped?

A Yes.

Q And waxed?

A Yes.

Q And is it the janitors that do that?

A Yes.

* * * * * * [876]

XXX

N E L L I E T H O M A S, called as a witness in behalf of the plaintiffs, having been first duly sworn by the Clerk of the Court, testified as follows:

XXX

DIRECT EXAMINATION

BY MISS RODENHAUSEN:

Q Miss Thomas, would you state your address for the record, please?

A Address?

Q Please.

A 549 West 144th Street.

Q Would you state your occupation, please?

A Maid.

Q Where do you work, Mrs. Thomas?

A In the residence hall at Columbia University.

Q You are a woman?

A Hum?

Q You are a woman, Mrs. Thomas? Would you just state for the record your sex?

A Yes.

Q Where do you work now, Mrs. Thomas?

A I work in Livingston in the residence hall.

Q How long have you worked in Livingston?

A About eight years.

Q Would you tell the Court what your duties are in Livingston?

A Well, I clean halls, corridors and the lounges from the tenth floor down to the first floor. The whole building at Livingston.

Q Do you work with anyone else in this building, Mrs. Thomas?

A No.

Q Mrs. Thomas, when you start working in Livingston Hall, is there any other woman who works with you in Livingston?

A When I first started there?

Q No, when you first start in the morning in Livingston Hall.

A Well, in hte mornings from seven to 9:00, Justine Meyers, she works the office, she helps to do part of the

office.

Q And after 9:00, does Mrs. Meyers continue to work with you?

A No.

Q You work in the building alone after that time?

A Right.

Q Can you describe for us what you do in these offices and floors and areas that you described cleaning, what specifically do you do there, Mrs. Thomas?

A Well, I clean--dust and clean the desks, telephones, typewriters and the woodwork. Everything that have to be done in the kitchen.

Q What do you use to clean--

A Well, we use water in a pail with 1102 and a wet rag to wipe the tables and the door fronts, you know, where they put their fingerprints, and things like that.

Q Where do you get the water from?

A We usually bring water from the basement for that when we come up in the morning.

Q You fill your pail in the basement? And where do you take it then?

A Bring it up to the first floor.

Q How do you come up to the first floor?

A On the elevator.

Q Then do you have occasion to change the buckets of water during the day?

A Well, you don't have to change the water in the mornings.

Q Later on in the day, do you change the water?

A Yes, when we are up on the floors, we have to change the water, sure.

Q Where do you go to change it then?

A We have slop sinks on every floor up in the building.

Q Do you have a cart to carry this water and pail on?

A No.

Q Do you carry that by hand?

A Right, yes.

Q How do you clean the floors in the areas that you are assigned to?

A Carpet sweep.

Q Do you use a vacuum?

A Yes, hand vacuum. Carpet sweeper we call them. You use them with your hand.

Q A carpet sweeper?

A Yes.

Q You are assigned to the whole building. How many

floors are there in the building, Mrs. Thomas?

A Ten.

MISS RODENHAUSEN: Would you mark this for identification?

XXX (Plaintiff Secretary Exhibit No. 120 marked for identification.)

BY MISS RODENHAUSEN:

Q Mrs. Thomas, can you identify this piece of paper I'm showing you now, Plaintiff's Exhibit 120 marked for identification (handing)?

A Yes.

Q Will you tell the Court what it is, please?

A That's my daily schedule.

Q When did you receive this piece of paper?

A On Monday.

Q Monday of this week?

A Yes.

Q How often do you get daily schedules?

A Well, we used to get them every week, but this year they haven't been giving them to us every week, so I don't know why. This is the second schedule that we had since school opened.

Q And you got the first schedule around Labor Day?

A Yes, shortly after school opened. And then, this

is the second one we got since then.

Q Who gives you the schedule?

A I have a housekeeper, Garcia.

Q Is that a man?

A Right.

Q Mr. Garcia gives you the schedule?

A Right.

Q Looking at the schedule in this column, I direct your attention to the column marked daily assignments. Are those your assignments in Livingston Hall that you do now, Mrs. Thomas (handing)?

A Yes.

Q Do you do any assignments that are not listed on that schedule?

A Yes.

Q What kinds of tasks are you assigned to do that are not listed on that schedule?

A Well, sometime we have to do checkout rooms, and we also do the baseboards around the hall, the corridors.

Q How do you clean the baseboards and the corridors?

A Well, our housekeeper told us to just take the broom and dust them, but it don't clean them so I just use a damp rag and go over them. It cleans them better. That's what I use to clean them.

cmjp Thomas-direct [882]

Q Have you seen men doing this job before you started to do it?

A Yes, the men used to do them all the time.

Q Do the men do that job now of cleaning the base-boards?

A No.

Q I direct your attention down to the lower part of this paper, Mrs. Thomas. Do the work assignments listed on the bottom of the paper--do you do these work assignments on the days as listed on the paper?

A No, I do not.

Q Will you tell the Court how often you damp clean the telephones? Do you do that every day or just Mondays?

A Well, practically every day.

Q What about damp cleaning the waste baskets?

A Well, the waste baskets about once a week because we use plastic bags in the waste baskets so that helps.

Q What about damp cleaning the office equipment, how often do you do that?

A Well, about once or twice a week.

Q What about cleaning the desk tops and the doors, how often do you do that?

A Well, the desk tops have to be done every day. The doors about once a week.

B7

Q Mrs. Thomas, can you identify this column here, I'm pointing out a third column on the exhibit marked TA. What do those numbers mean to you?

A That's the amount of time they give us for each room to do those rooms.

Q Is that the amount of time you spend on each assigned duty there in fact?

A No, sometime it takes longer. That's depending upon the work that we have to do in them.

Q Sometimes it takes a shorter amount of time than the time limited--than the time alloted?

A Well, I don't think--no, it don't take any shorter time.

Q These numbers, 40 and 20, are those in terms of minutes?

A Yes.

Q Do you empty trash, Mrs. Thomas?

A Empty trash?

Q In Livingston, from the rooms?

A Yes, from the offices downstairs, yes, in the morning.

Q Do you empty trash from each floor?

A Now we don't do that. We used to.

Q What do you mean you used to?

A When we was cleaning the rooms, we used to do that. We used to clean the students' rooms.

Q Then you would take the trash from the students' rooms?

A Right, but we don't do that now.

MR. STITT: May we fix the time, your Honor, when that was changed?

THE COURT: You may.

Q When did you stop taking trash from the students' rooms, Mrs. Thomas?

A When did we stop? I don't know, about three or four years ago. I couldn't give you a definite time.

Q Where do you take trash from now, Mrs. Thomas?

A Well, we only move the trash from the study rooms, from the lounges on each floor and the corridors.

Q About how many lounges on there that you empty trash from in the building?

A Nine.

Q How many bags of trash do you fill?

A Most times about nine bags--about a bag of trash on each floor at each lounge.

Q Do you have a cart for your equipment, Mrs. Thomas?

A No.

Q What kind of equipment do you have to do your job in Livingston?

A You mean for the garbage?

Q What you use for the garbage, all right.

A We use just the garbage bags, the big paper bags to put the garbage in, then we take them around to the--by the elevator and the men pick it up.

Q How do you get it to the elevator?

A We drags it out to the elevator.

Q Before you worked in Livingston, Mrs. Thomas, what other buildings did you work in?

MR. STITT: May we fix the time, your Honor?

THE COURT: Please.

A Well, I worked--

Q How long have you been working in Livingston?

A About ten years.

Q Around 1963, and prior to that time, would you name some other buildings that you worked in?

A I'm sorry, I didn't work in Livingston ten years, because I worked in Hartley before, and then I went in Livingston.

Q When did you first start working in Livingston?

A I'd say about eight years ago.

Q Prior to that period, you worked in Hartley?

A Yes.

Q Is Hartley a residence hall?

A Yes.

Q Before Hartley, did you work in any other residence hall?

A Yes, I worked in Furnald, the first building I worked in when I worked in the hall.

Q Before you worked in Furnald, where else did you work at Columbia?

A I used to work in building grounds when I first started working for Columbia.

Q What building did you work in at that time?

A Schermerhorn. I worked there ten years.

* * * * * *

[888]

Q During what years did you work in the Schermerhorn--

A Oh! Let me see what years was that. It's been twelve years ago.

Q About twelve years ago?

A Yes.

Q For how long did you work in Schermerhorn?

A I worked there ten years. I started to work there

cmjp Thomas-direct [889]

in '53.

Q What were your duties at Schermerhorn?

MR. STITT: If your Honor please, 1953 to 1963 is before the Equal Pay Act was even considered by the Congress of the United States. I came into this trial prepared to defend charges against the university which as amended went back no further than March of 1971.

THE COURT: Well, Mr. Stitt, I'm aware of your position and I have sympathy with it. Under the, what is it, the Corning Glass case, am I not permitted to allow a certain amount of background?

MR. STITT: Well, I wouldn't construe the Corning Glass case to so hold in the context of this case, your Honor, when the pleadings and the interrogatories and the motion to amend the complaint, I thought had made quite clear the period that the Labor Department was talking about.

If your Honor wishes to overrule my objection, of course, the record would be protected.

THE COURT: How much time are you going to spend on this?

MISS RODENHAUSEN: Very briefly, your Honor.

THE COURT: All right, go ahead. Overruled.

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[890]

Q Mrs. Thomas, when you worked in the Schermerhorn Building, did you have occasion to wet mop?

A Yes.

Q How long did you do that?

A Well, whenever it was needed. We used to do the halls about once a week.

Q Would you wet mop any rooms when you worked at Schermerhorn?

A Yes.

Q Did you do that on a daily basis?

A No, not every day.

Q Did you do that on a weekly basis?

A Yes, once every, I think--on an as needed basis. It didn't need it every day, maybe once or twice a week.

Q Did you have occasion to wet mop since you have been in the residence halls department?

A Yes.

MR. STITT: May we have the time specified, your Honor?

THE COURT: Yes, you may have the time specified. Fix the time.

Q When did you, to the best of your recollection, approximately what years, did you start working again in the residence halls department?

A I can't--all I can say I have been there twelve years.

Q And the last twelve years, have you had occasion to do some wet mopping?

THE COURT: No, the objection is sustained unless you fix the time.

Q For what years did you work in Hartley, Mrs. Thomas?

A I worked in Hartley about three, about two or three years.

Q Before you worked in Livingston?

A Yes.

Q Would that be about 1965, 1967 to 1970?

THE COURT: Miss Rodenhausen, just ask the witness when this wet mopping was done without leading. She said she did wet mopping in the residence hall.

When did you do it?

THE WITNESS: Well, we wet mopped in the residence halls, we used to do it until about two years ago when they stopped it.

THE COURT: You did?

THE WITNESS: Yes, me and the other maids, yes.

THE COURT: You personally wet mopped up until two years ago?

THE WITNESS: Yes, all the maids did.

BY MISS RODENHAUSEN:

Q How often would you do that?

A Well, we used to do the rooms and checkout rooms, we have to wet mop them, you know. Any time we do checkout rooms, we had to wet mop them.

Q Would you tell us what a checkout room is now?

A That means when somebody moves out of the room then we have to clean it up and get it ready for somebody else to move in.

Q Did you ever wet mop the corridors in the residence hall?

A No.

MR. STITT: May we specify the time and the building?

THE COURT: Yes. She said no, in any event.

MR. STITT: She said, no, as to the corridors.

cmjp Thomas-direct [893]

THE COURT: Yes. All right, go ahead.

Q When you wet mopped, you just wet mopped in the rooms?

A Right.

Q And did you do that throughout the period of time you worked at Hartley?

MR. STITT: If it please your Honor, I object to the form of this question. I believe it is leading.

THE COURT: Yes. Objection sustained.

Q Miss Thomas, now, during the summer of--what are your cleaning duties in the summer when you work in Livingston?

THE COURT: This is now?

MISS RODENHAUSEN: She is presently assigned in Livingston.

THE COURT: This is, for example, last summer?

MISS RODENHAUSEN: This last summer.

THE COURT: All right.

Q What were your duties last summer, Mrs. Thomas, when you worked in Livingston?

A Well, our summer schedule is cleaning the room, washing the furniture, washing the chairs, cleaning the drawers and washing the closets, door facing and the sinks, medicine cabinets. All of that. Cleaning the rooms. In

the summer, we have to do that.

Q What do you wash it with? What do you wash the furniture and all with?

A Soap, 1102 we call it.

Q Do you pick up any trash in the summertime in the rooms?

A Yes, we clean up some trash, but most of the times they have the men to clean the trash out.

Q You say this is your summer schedule. Did you do this each summer that you worked in Livingston?

A Yes, we do this each summer. Not only in Livingston, I mean, we have to do that in different buildings. In John Jay, Hartley. We worked in all those buildings during the summer. We don't have no special building to work on in the summer.

Q Has this been your summer schedule for all the years you worked in the residence halls department?

A Yes.

Q For the last ten or twelve years?

A Yes.

Q At the times you cleaned the Livingston rooms, are these rooms locked?

A When we were cleaning the rooms?

Q Yes. Not when you are cleaning them, as you go

to clean the rooms are the rooms locked?

A es.

Q Did you have keys to these rooms?

A Yes, we get keys for the rooms.

Q Would you tell us again, just direct your testimony to cleaning the rooms in Livingston. For the period of time you have been working in Livingston, how long does it take you when you clean the lounges?

MR. STITT: May we specify what cleaning we are talking about, your Honor?

Q Were you assigned to clean the lounges in Livingston, Mrs. Thomas?

A You mean on each floor?

Q Yes.

A My daily schedule?

Q Yes.

A Yes.

Q What did you do cleaning these lounges?

A Washed the furniture and cleaned the window sills and vacuum, running the sweeper, vacuum on the floor, pick up the trash, take the trash out to the elevator.

Q What kind of bags do you put the trash in?

A We use the big paper bag, garbage bags.

Q They were not plastic bags?

A No, it's not plastic, but the big, heavy paper bags.

MR. STITT: I object to the word "heavy," your Honor, in the context of the paper bags.

THE COURT: Yes, strike it out.

Q Was it a paper bag?

A No, they're not plastic, it's paper bags.

Q How large is the paper bag?

A I couldn't say. I don't know exactly how large, but they almost as tall as I am standing, you know. They tall bags.

Q What kind of trash do you put in these bags?

A Bottles, cans. Whatsever in there to throw out. All that. Bottles, cans and papers.

THE COURT: Excuse me a minute. Go ahead.

MISS RODENHAUSEN: I have no further questions of this witness.

XXX

DIRECT EXAMINATION

BY MISS GOODMAN:

Q Mrs. Thomas, when were you first hired at Columbia, by Columbia University?

A In 1953.

* * * * * *

* * * * * * [899]

Q In 1953 when you were first hired, were you given any training?

A They had a maid to go around and show me what to be done and where I had to work.

Q How long did that last, if you recall?

A The first day I think that I worked there.

Q Until how long? Just one day?

A Yes.

Q Did it last longer than a day?

A No.

Q You testified that in the course of your present job duties you use a carpet sweeper; is that true?

A That's right.

Q In how many rooms do you use this carpet sweeper?

A I use it for the halls and the lounges on each

cmjp Thomas-direct [900]

floor. So there's ten floors I have to do a day.

Q Are all the lounges and all the hallways carpeted?

A Right, yes.

B9 Q Can you describe the carpet sweeper?

THE COURT: I thought she did on direct at some length.

Q Can you describe how you use it? How it operates?

A Yes. It's a little carpet sweeper, you push it back and forth that you sweep with.

Q Have you had occasion in the course of your total employment at Columbia University to use a vacuum cleaner?

MR. STITT: If your Honor please, I object to the form of this question. Total employment would take us back to the early 1950s.

THE COURT: Overruled. Go ahead.

Q Have you had, since 1953, have you had occasion to use a vacuum cleaner as part of your job duties?

A No.

Q Have you used a vacuum cleaner, a household type of vacuum cleaner?

A No.

* * * * * *

XXX CROSS EXAMINATION [901]

BY MR. STITT:

Q Mrs. Thomas, I'm going to show you Labor Department's Exhibit--what is the number of this?

THE CLERK: 120.

Q (Continuing) Exhibit 120 marked for identification (handing). Is that a copy of your current job description at Livingston?

A This copy here?

Q Or current work schedule, excuse me. Yes.

A Yes.

Q You received this in the course of your duties?

A Yes.

Q Have you followed this basic schedule since at least December 10, 1971, and I direct your attention to the date in the lower left-hand corner.

A Have I followed it? You mean have I did--

Q Has this been your general work schedule since that time?

A Yes.

Q And I believe you have testified that there it says vacuum, that really means to, in your context, to use a carpet sweeper?

A Right.

MR. STITT: Your Honor, I offer this document in evidence.

THE COURT: Is there any objection?

MISS RODENHAUSEN: May we have an examination on that, your Honor, before it's put in? The witness said her duties vary from--

MR. STITT: If your Honor please, this document was shown to the witness on direct examination. I believe it has been sufficiently authenticated.

THE COURT: Is there any question as to its authenticity?

MISS RODENHAUSEN: No, your Honor.

THE COURT: All right, then it may be received.

XXX (Secretary's Exhibit 120 received in evidence.)

* * * * * * *

Q Now, Livingston is a student dormitory building?

A Yes.

Q Where students live?

A Yes.

Q Is it not an academic building like Mudd or a library like Butler?

A No.

Q And it is part of the department of the residence halls as opposed to the department of buildings and grounds?

A Yes, resident house, that's right.

Q You mentioned some sinks in Livingston. Is it your testimony that there is a sink to which you have access on each of the ten floors in which you work?

A Yes.

Q So you can wash out or fill that pail as you desire on each floor?

A Yes.

Q I believe you testified on direct examination as

cmjp Thomas-cross [904]

to a change in your duties at Livingston in the past few years? A change in your routine, particularly the summer routine? Do you recall that testimony?

A I don't know if I--I don't think I said a change. But we always have that schedule every summer.

Q I see.

A I mean, summer schedule is always different from the regular school time.

Q I believe you testified on direct that perhaps two years ago the janitors took over the damp mopping that you had done?

A Yes, right.

Q I am going to ask you, didn't that occur somewhat earlier than that, during the summer of 1970? When I suggest to you that the maid service in the student rooms was discontinued in residence halls and a group of maids including Mrs. Dickens were transferred to buildings and grounds?

A No, we still wet mopped since then.

Q But in any event, this stopped some two years ago?

A Yes.

Q You were asked questions about promotional opportunities. Is there a bulletin board in Livingston?

A For the workers, do you mean, or for the students?

Q Is there a bulletin board that you see in Livingston

Hall?

A Yes, they have bulletin boards on the floor.

Q Have you seen job postings and openings on that bulletin board during the past two or three years?

A Yes, sometimes. Yes, they have jobs.

Q For example, have you seen postings for janitor or heavy cleaner jobs?

A Yes.

Q You have seen those for a good many years at the university, haven't you?

A Yes, I have seen them posted.

* * * * * *

[906]

Q I ask you, Mrs. Thomas, have you ever applied for a heavy cleaning job?

MISS RODENHAUSEN: Objection, your Honor.

THE COURT: Overruled.

Q May I have the answer?

A No.

* * * * * *

[907]

Q Have you ever received pay as a janitor at a heavy cleaner rate during the course of your employment at Columbia University?

MISS RODENHAUSEN: Objection, your Honor. No foundation yet laid whether the witness knows what the rates were or for what period of time.

THE COURT: All right, lay a foundation.

Q Have you ever done cleaning work while employed at the residence halls for which you have been paid not at the prevailing maid and light cleaner rate, but at the prevailing janitor or heavy cleaner rate?

MISS RODENHAUSEN: Same objection.

THE COURT: I will allow it if she knows.

Q You know, don't you, Mrs. Thomas? Can you answer the question, please?

A I don't quite understand the question you asked the last time. Sorry.

Q What don't you understand about it?

MR. BERKE: Objection to that, your Honor. Mr. Stitt can ask his questions, but I don't believe he can have the witness ask him questions.

Q Have you ever done cleaning work on a spot basis for which you have been paid at a higher rate than the prevailing maid or light cleaner rate?

A Yes, I have.

Q For example, during the week of September 20, 1970, did you receive heavy cleaner pay for some 18 hours of work done during that week?

* * * * * *

Q I show you, to refresh your recollection, University Exhibit K marked for identification, and I direct your attention to the fourth line, first, second and third columns (handing).

MISS RODENHAUSEN: The witness did not answer, there

has been no answer from the witness if she does or does not know, and Mr.--the witness may be reading off--

MR. STITT: Well, I will withdraw the question, your Honor.

THE COURT: Mr. Stitt, do you want to start again?

MR. STITT: Yes, I will start again.

Q Is it not true, Mrs. Thomas, that during the week, or, for the week of September 20, 1970, you performed heavy cleaner work and received heavy cleaner pay for a period of 18 hours.

A I can't give no definite date. I have did heavy cleaning work, but I can't give no definite date when was that because, I mean, it haven't been lately, it wasn't last year, it must have been a couple of years ago.

Q All right. Now, I show you Exhibit K marked for identification, and I direct your attention to the fourth line reading across, and I ask you whether that refreshes your recollection as to the period and number of hours with respect to one period of heavy cleaner work that you did.

MISS RODENHAUSEN: I would object again, your Honor, to that question for the reason that the witness has not been--for the reason that if she has or has not, the university--

THE COURT: This is merely to refresh her recollection

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and the objection is overruled.

MISS RODENHAUSEN: She hasn't been asked whether this would refresh her recollection.

THE COURT: Overruled.

Q Does that refresh your recollection, Mrs. Thomas?

A I see it on paper, I mean, I couldn't set no definite time as I told you before.

THE COURT: Mrs. Thomas, looking at that piece of paper, does that set your mind working and make you remember that it happened at that time?

THE WITNESS: No, I never seen this paper before. I don't know anything about the paper.

THE COURT: All counsel is asking is whether that helps you to remember when it was.

THE WITNESS: I'm sorry, but the paper don't help me remember when it was.

Q All right. Now, is it true that for the week ending July 30, 1972, you performed and received pay for eight hours of heavy cleaner work?

MISS RODENHAUSEN: Objection to the characterization "heavy cleaner work." I object to the form of the question, your Honor.

THE COURT: On what ground?

MISS RODENHAUSEN: The witness hasn't been asked

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cmjp Thomas-cross [911]

what were the duties that constitute heavy cleaner work. She been asked what pay, whether she got a higher pay rate or not, but she hasn't been asked what did she do to get that higher rate.

Now, Mr. Stitt is asking her about heavy cleaner work, and the two questions haven't been put together. I just object to the form of the question.

THE COURT: I will sustain that objection, and I take it if you concentrated on heavy cleaner work to start with, you would be on safer ground.

Q Is it true, Mrs. Thomas, that for the week ended July 30, 1972, you received pay for eight hours at the heavy cleaner, or janitor's rate, this rate being higher than your normal rate of pay for that period?

A In '72?

Q That's right, for the week ending July 30, 1972.

A No.

Q I show you a page--

A I don't remember.

Q (Continuing) A page, page 3 of Exhibit K marked for identification, and I direct your attention to the, I believe the ninth line down, and I ask you if the writing set forth in the three columns on that line refreshes your recollection as to whether you did or did not receive pay

at the heavy cleaner rate for eight hours for work performed during that week.

A I don't remember. If I knew what kind of work, maybe I could remember whether--

THE COURT: Mrs. Thomas, this is two years ago plus, the summer of 1972--

MR. STITT: That's right, your Honor.

THE COURT: This is the summer of 1972, Mrs. Thomas, two years ago. Did you receive pay at a higher rate during that summer at any time?

THE WITNESS: No, not that I can remember.

THE COURT: You don't remember?

THE WITNESS: No.

THE COURT: Do you say it didn't happen or that you don't remember?

THE WITNESS: No, I don't remember.

THE COURT: All right.

BY MR. STITT:

Q Is it true that for the week ending September 3, 1972--

MR. BERKE: Your Honor, I object. How much of this are we going to have to go through? I think the witness--

THE COURT: Well, I assume Columbia is representing that its records will show this, and I assume they are going

cmjp Thomas-cross [913]

to offer them in evidence as part of their case.

MR. BERKE: If they wish to offer it--

THE COURT: And the question, as I see it, has relevance in two ways: One, it shows that they were paying this lady a higher rate of pay, and also it goes to the reliability to be placed upon her testimony as to certain events in the past.

So I will allow it for two reasons. Overruled.

Q Is it true, Mrs. Thomas, that for the week ending September 3, 1972, you received pay at the higher heavy cleaner, or janitor rate for some 13-1/2 hours, including 7-1/2 hours of overtime pay?

A No.

Q I show you the same page of University Exhibit K marked for identification, approximately 15 lines down from the top of the page, and I ask you if the date, the name and the number of hours for regular and overtime, whether that refreshes your recollection (handing).

A No, only the date is on there, but I don't remember. If I knew what I did, I mean if it would state the line of work that I did, then maybe I could remember whether I did it or not.

Q Well, the question is not when and what periods you did this work. Did you do it on a voluntary basis?

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MISS RODENHAUSEN: Did she do what?

Q Did you volunteer for this work for which you were paid at the heavy cleaner--

A I don't know what kind of work it is. You haven't told me. I don't know what kind of work it is so I can't say I volunteered, because I don't know what type of work.

Q You have no recollection of that at all, do you?

A No.

Q Except some vague recollection that you did receive this pay at sometime or other?

A As I say, a few years ago I remember doing some work, but for the past couple of years I don't.

Q Do you have any claims pending against the university for time that you spent for which you feel you should be paid at the heavy cleaner rate?

MR. BERKE: Objection.

MISS GOODMAN: Objection.

MR. BERKE: Objection to that.

THE COURT: Overruled.

A Do you want me to answer that?

Q Do you have any such claims pending? Do you have any such claims against the university, Mrs. Thomas?

A Such claims against the university?

Q That's right. Did you put in a chit for any

additional pay, for example?

A Would you mind explaining that again? Because I don't understand you.

MR. STITT: I will go on to another line of questioning, your Honor.

Q Is it true that other maids or light cleaners have done and received heavy cleaner pay on a spot basis in the residence halls?

A Yes, other maids have did heavy cleaning.

Q Do you know Margaret Shea?

A Yes.

Q Has she received such spot heavy cleaner pay?

MR. BERKE: Objection, that is rank hearsay, your Honor.

A I couldn't tell you about how much she gets.

Q What about Mabel Flood, do you know her?

A I know her, but I don't work with her.

Q Or Anne Doyle, do you know Anne Doyle?

A I know her. I don't work with her either, so I don't know what--

Q Are you familiar with a dormitory known as Johnson Hall in the residence halls?

A I know Johnson Hall.

Q Over the years, has that been a woman's dormitory?

A Yes, it was a woman's dormitory.

Q Going back to the 1950s, isn't that so? Johnson Hall was there when you came to work for university, was it not?

A Yes.

Q At that time, was it a woman's dormitory?

A Yes, suppose so.

Q Are you familiar with the term known as shower maid, or maid showers?

A No.

Q Isn't it true that the lavatories and the wash rooms and the shower facilities at Johnson Hall over the years have been cleaned by women?

A I heard that.

Q And isn't it also--

MR. BERKE: I have to object to the answer on the grounds it's hearsay, your Honor.

A Yes, that's all I can say, I heard it because I don't know anything about Johnson Hall, I don't work there.

THE COURT: That I will strike out. Go ahead.

Q Isn't it true that the women who have cleaned those lavatories over the years have been paid at the janitor's rate?

MISS GOODMAN: Objection, your Honor.

A I don't know.

THE COURT: Overruled.

Q I just want to review your duties at Livingston, and also I believe you testified you performed some work at John Jay; is that correct?

A Yes.

Q And you dust tables?

A Yes.

Q And you wipe window sills?

A Yes.

Q Do you spot clean the walls?

A No, I didn't say I washed walls.

Q Well, do you ever clean a spot off a wall?

A Yes, I do.

Q And you do that as high as you can reach?

A No.

Q Do you get up on ladders to clean walls?

A No.

Q Do you empty waste baskets?

A Yes.

Q And ash trays?

A Yes.

Q And you wipe and polish furniture?

A Wash and polish the furniture, yes.

Q Do you use a wet rag to do that washing?

A Yes, and soap.

Q And soap?

A Yes.

Q Does that summarize your duties?

MR. BERKE: Objection, your Honor. She has testified to many duties, and that is in the record.

THE COURT: Sustained.

Q Do you recall any other duties which you now perform at Livingston?

MR. BERKE: Objection as to the form of the question.

THE COURT: Overruled.

Q Do you dust mop?

A Yes.

Q Do you use a carpet sweeper?

A Yes.

Q Is that a seven-pound Bissell carpet sweeper?

A I would say so.

Q And there is no electrical connection in that carpet sweeper, is there?

A No.

Q Does your equipment also include rags and sponges?

A Yes.

Q And your dust mop, is that a 24-inch mop?

A Yes.

Q Do you have a toy broom?

A Yes.

Q That goes about eight ounces?

A Yes.

Q Do you have some paper bags in which you put the refuse from the waste baskets and the ash trays?

A Yes, garbage bags we call them.

Q I believe you testified also you have a pail.

A A pail?

Q A pail.

A Oh, yes, to carry the water in. Yes.

Q That weighs about one and three-quarters pounds empty?

A I couldn't say how much it weighs. All I can say is what I use, I couldn't say how much it weighs.

Q And you get water for this pail at the utility sink on each floor?

A Yes.

Q Is there any other equipment that you use in your job at Livingston and John Jay?

A No, I guess that's about it.

Q Do you carry any of this material in a shopping

bag as you go around?

A Yes.

Q Do you carry any of this material in your pail?

A Yes.

Q You testified about the areas to which you are assigned. Are you assigned to any public lavatories at Livingston or John Jay?

MISS RODENHAUSEN: Objection to the form of the question.

THE COURT: Overruled.

A No.

Q Or any private lavatories?

MISS RODENHAUSEN: Objection to form.

THE COURT: Overruled.

Q Are you assigned to any?

A No.

Q Who is it that--

THE COURT: Mr. Stitt, can I ask if you are going to be much longer here? I will take a ten minute recess at this point for a number of reasons. We will recess at this point.

(Recess.)

THE COURT: All right, Mr. Stitt.

BY MR. STITT:

Q Mrs. Thomas, it is the janitors who clean these laboratories in Livingston, isn't that a fact?

A Yes.

Q And it is the janitors who wet mop the corridors, isn't that the fact?

A Wet mop the corridors?

Q Yes.

A You mean the halls, right?

Q The halls.

A They don't wet mop the halls, because they have carpet in the halls.

Q When those carpets have to be shampooed, it is the janitors who shampoo them; isn't that right?

A Yes, we shampoo them.

Q And they use a floor machine to do that?

MR. BERKE: Your Honor, I object to this. No foundation as to time.

THE COURT: When are you talking about?

MR. STITT: I am talking about the period of time from March 1971 to date.

THE COURT: Mrs. Thomas, you so understand, do you not, that is in the last three and a half years that he is

talking about?

THE WITNESS: Yes.

THE COURT: All right. Go ahead.

Q Now, are there floors or areas at Livingston that have to be waxed and buffed?

A No.

Q In any event, you aren't required to wax and buff the floors, are you?

A No.

Q And after you leave this rubbish at the elevator, it is a janitor who takes care of it from that point on; isn't that so?

A Yes.

Q You mentioned a moment ago a floor machine used by janitors to shampoo carpets. Have you always seen them use the floor machine to strip floors?

A I don't know what you mean by strip floors.

Q In any event, do you and are you required to use these floor machines?

A No.

Q Are you required and do you use mopping equipment consisting of two 44-quart pails, a wringer, a dolly and solution?

MISS RODENHAUSEN: I object to the form. Can we

have two separate questions so we can get a separate answer to each question?

THE COURT: All right.

Q Do you use that sort of mopping equipment, Mrs. Thomas?

A A large mop?

Q I'm talking about a mop truck with two 44-quart pails, a wringer and a dolly.

A No.

Q Are you familiar with wet-dry industrial type vacuum cleaners?

A No. We only use carpet sweepers.

Q In any event, you aren't required to use such wet-dry industrial type vacuums, are you?

A No.

Q And you don't use them, do you?

A No.

Q And you don't handle 55-gallon drums of cleaning solvents, do you?

A Cleaning supplies, you mean?

Q I am talking about a drum about four feet high, maybe 2-1/2 feet wide.

A No.

Q You don't use that equipment, do you?

ebjp Thomas-cross [924]

A No.

THE COURT: Mr. Stitt, I will have to stop you a minute. I want to make a response now to this jury. They have found the answer to the question. Just stay in place. Excuse me for a minute.

MR. STITT: Yes, sir.

(Recess.)

cmjp Thomas-cross/redirect [925]

THE COURT: All right, Mr. Stitt.

BY MR. STITT:

Q Mrs. Thomas, since March, 1971, have you used step ladders in the course of your duties at Livingston?

A No.

MR. STITT: No further questions, your Honor.

THE COURT: All right. Is there any redirect?

XXX REDIRECT EXAMINATION

BY MISS RODENHAUSEN:

Q Mrs. Thomas, how many janitors work with you in Livingston Hall since March, 1971?

MR. STITT: Your Honor, is this in terms of different personalities or at one particular time on her shift?

THE COURT: Yes, I think it would be appropriate to be a little more definite about it.

Q Currently, Mrs. Thomas, how many janitors work in Livingston Hall residence hall on your shift?

A Well, we have the janitor that do the showers and we have one that always pulls the garbage--I'd say three.

Q Three janitors?

A Yes.

Q Do you observe these janitors during the course of your work?

A I didn't understand that.

Q Do you see these janitors doing their jobs in Livingston Hall?

A Yes, I see them.

Q How often do you have occasion to see janitors doing work in Livingston Hall?

A Well, the shower man, he do the shower, and I do each floor, so I sees him quite often, and also the janitor that do the stairs.

Q You run into him, too?

A Yes.

* * * * * *

REBECCA PHILLIPS, called as a witness in behalf of the Secretary of Labor, being first duly sworn by the Clerk of the Court, testified as follows:

DIRECT EXAMINATION

BY MISS BODIAN:

[927]

Q When did you begin work at Columbia?

A '65.

Q What was your job in 1965?

A Coat room attendant.

Q How long have you been in cleaning?

A About two years.

Q In which building are you presently assigned to work?

A Butler.

Q No, right now, the present time.

A Oh, mathematics.

Q How long have you been working in mathematics?

A Nearly two years. About two years.

Q Which shift do you work on?

A The night shift.

Q What are those hours?

A Twelve to 8:30.

Q Do you use a vacuum sweeper?

A Yes.

Q Where do you clean--

MR. STITT: If your Honor please, vacuum sweeper, that is a new term.

Q I'm sorry, vacuum cleaner. Do you use a vacuum cleaner?

A Yes.

Q Could you describe the vacuum cleaner? Do you plug it in?

A Yes.

Q Where do you vacuum--

MISS BODIAN: Strike that.

Where do you vacuum?

A The library.

Q Which floor is that on?

A That's on the third floor.

Q What other floors do you vacuum?

A On the second floor and the sixth floor.

Q What types of areas do you use the vacuum cleaner to clean?

A The library and the classroom.

Q In classrooms?

A Yes.

Q Are these wall-to-wall carpets?

A Yes.

Q Or just little rugs?

A Wall to wall.

Q How much time do you spend in one shift in one night using your vacuum cleaner?

A About an hour. Depends on how many, you know, how many rooms I would do.

Q Does the vacuum pick up everything on the rug?

A No.

Q Could you tell me--

A It don't pick up the cigarettes, the staples, the paper clips it doesn't pick up.

Q How do you pick those up?

A I have to sweep it up.

Q With what?

A With the broom.

Q How do you clean cracks and under tables and things like that, and areas like that with your vacuum cleaner?

A Well, sometime I have to get the broom and sweep it out with a vacuum can't go to.

Q Why can't the vacuum reached those areas?

A Because some of the corners are too small.

Q Could you describe this, is this an upright vacuum cleaner that you're talking about? Does it have a handle?

A Long handle, yes, it have a handle.

Q Could you describe the cleaner better for the Court? What it looks like? Could you tell us what it looks like?

A It's a Hoover and it has the handle and you mash the button sometimes to let it go, if you want to go under a table, to let it go flat.

Q How do you do that?

A Mash the button and to let the handle give, you know.

Q You press a button on the handle?

A Yes.

Q What does that do to the handle?

A To push it under, to go--

Q It lowers the handle?

A Lower, yes.

Q So when you vacuum, you push the whole machine, do you push the whole machine?

A Yes.

Q Do you have any special problems in vacuuming in the classrooms?

A Yes, between the chairs.

Q Why is that a problem?

A Because you cannot move the chairs.

Q They are fastened, are they fastened to the floor?

A Yes.

Q Why does that pose any problem to you?

A To try to get through the aisles with the vacuum and then you go up under the chairs and between the seats.

Q Do you have any other problems vacuuming in a classroom?

A Well, the crayon, because like the dust from the crayon is up there with the blackboard, there is wall-to-wall carpet and all of that crayon dust and stuff is on the floor, you have to go backwards and forwards, backwards and forwards before you can get up that dust.

Q When you say crayon, could I also call that chalk?

A Chalk, yes.

Q Do you also empty trash?

A Yes.

Q What is contained in the trash that you empty? What kind of trash do you empty?

A Well, from the waste baskets, paper, sometime they have books what they throw out.

Q How do you empty the trash?

A I takes the bags out and put it into the cart.

Q Do you have to pick up trash from areas?

A Yes.

Q Or from places other than in trash cans.

A Yes.

Q Could you explain that for me?

A Like from the seats where they sit, if they have coffee, cups for drinking soda or whatever, instead of putting it in the waste baskets, they leave it maybe sitting in the chair or down on the floor by the seats.

Q So all in all, how many bags of trash, large bags of trash, do you collect in one night?

MR. STITT: I object to the term "large," your Honor.

THE COURT: Yes, sustained.

MISS BODIAN: I'm sorry.

Q How many cartfuls of trash do you collect in one night?

A Sometime I collect about three. Depends on how

heavy it is. Some nights is worser than others.

Q Do you clean in spots?

A Yes.

Q How do you clean them?

A With the dust mop and the stairways.

Q You clean stairways?

A Yes.

Q How do you clean the stairways?

A I have to dust them down.

Q Using what?

A With the mop and what I can't get down with the mop I would have to get the broom to sweep it down.

Q How many stairways do you have to clean?

A Four.

Q Do you do this every night?

A No.

Q How often do you change the mops?

A Once a week.

Q What areas on and off do you dust mop?

A I dust classrooms.

Q How many, about?

A There's one classroom, then there's another huge room with cubicles and desks, the chairs, and then dust the hallway.

Q You dust mop the hallway?

A Yes.

Q How much time do you spend dust mopping in one night? Can you estimate if it's possible? If you can't do it, don't try. Can you estimate?

A No.

* * * * * * * *

[935]

XXX

CROSS EXAMINATION

BY MR. STITT:

Q Is it Mrs. Phillips?

A Yes.

Q You are a light cleaner in the mathematics building?

A Yes.

Q You work on the midnight shift?

A Yes.

Q Is it true that you are assigned to the, in part, to the second floor?

A Yes.

Q Also, some areas on the third floor?

A The third floor, yes.

Q And also the sixth floor?

A Yes.

Q And the areas that you are assigned include classrooms and offices?

A Yes.

Q You also do work on the hallways, but that is limited to dust mopping?

A Yes.

Q You're also assigned to the library stack areas?

A Yes.

Q Are there any other areas to which you are assigned?

A No.

Q Your duties call upon you to dust tables?

A Yes.

Q And to wipe window sills?

A Yes.

Q And to spot clean the walls?

A Yes.

Q You do that as high as you can reach?

A Yes.

Q You are not required to get up on a ladder?

A No.

Q And you empty waste baskets?

A Yes.

Q And ash trays?

A Yes.

Q And you wipe and polish furniture?

A Yes.

Q And you dust mop?

A Yes.

Q Are there any other duties that you do?

A And vacuum.

Q And vacuum. And that is with a household vacuum

type upright?

A Yes.

Q Any other duties besides that?

A No.

Q And your equipment consists of rags?

A Yes.

Q Sponges?

A Yes.

Q The upright vacuum that we have just mentioned?

A Yes.

B13 Q And a 24-inch dust mop?

A Yes.

Q And a toy broom?

A Yes.

Q That goes about eight ounces?

A No.

Q Is that like a whisk broom with a little handle on it?

A Yes.

Q And you have plastic bags?

A Yes.

Q And you have a cart?

A Yes.

Q And the cart you push and the bags in which you put

cmjp Phillips-cross [938]

the ash tray and waste paper basket rubbish is on your cart?

A Yes.

Q Is there any other equipment that you have?

A No.

Q You are not assigned to lavatories?

A No.

Q Are there public lavatories in mathematics?

A Public?

Q Yes.

A Yes.

Q Men's and women's rooms?

A Yes.

Q How many floors in the mathematics building?

A Six.

Q Are there men's and women's rooms, referring to lavatories, on each floor?

A No.

Q How many all told in mathematics, do you know?

A It's four.

Q On four floors?

A Yes.

Q You have a men's room and a women's room? Are there elevators?

A Yes.

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Q And there are stairways and lobbies?

A Yes.

Q You are not required to wet mop, are you?

A No.

Q Is there wet mopping done in mathematics?

A Wet mopping?

Q Yes.

A By the janitors, yes.

Q The janitors do that. Now, on occasion do these floors, corridors, have to be stripped?

A The janitors do that.

Q And it is the janitors that do that?

A Yes.

Q On occasion are the floors, the corridors, the lobbies at mathematics waxed and buffed?

A The janitors.

Q The janitors do that?

A Yes.

Q Is it also true that the janitors wet mop and sanitize these lavatories we have been talking about?

A Yes.

Q And they do that every night, isn't that so?

MR. BERKE: Your Honor, I--

MISS BODIAN: Your Honor, I don't know what sanitized

means.

THE COURT: Apparently the witness seems to.

Q The janitors do that every night, don't they, Mrs. Phillips?

A Yes.

Q Is it also the janitors who take care of your bags with rubbish when you leave them at the elevator?

A Yes.

Q Incidentally, how do you remove these bags of rubbish from your cart when you push it to the elevator?

A You pulls it up.

Q You pull it out, do you?

A Yes.

Q Then you leave it at the elevator for the janitor?

A Yes.

Q Does the janitor, or one of them, then put these bags of garbage into a trash truck?

A I guess so, I haven't seem them do it.

Q Do they take this garbage down to the bottom of the building?

A Yes.

Q And do they then push them in trucks out to the dumping area?

MISS BODIAN: Your Honor, the question has been

asked and answered, "I don't know, I haven't seen them do it."

THE COURT: Is that so?

MR. STITT: I don't believe it has, your Honor?

Q Have you ever seen the janitor push a trash truck in mathematics?

A No.

Q Have you ever been required to push a trash truck?

A No.

Q It is true, is it not, that this rubbish has to be taken out of the building each night by somebody?

A Yes.

Q And it is the janitors that do that, isn't that so?

A Yes.

Q And is it true that this wet mopping, that's going on every night in mathematics?

MISS GOODMAN: Objection, your Honor. There has been no foundation laid.

THE COURT: If she knows, she knows.

MR. STITT: She said so.

Q And it is the janitors who do that mopping, isn't that so?

A Yes.

Q And on the stairs?

A I don't know.

Q The elevators?

A I don't know.

Q Wherever it is done, the janitors do it?

A They do it.

MR. BERKE: Your Honor, could the witness be directed to speak a little bit louder? I'm having a little trouble hearing her.

THE COURT: The answer was, they do it. Speak up, Mrs. Phillips, so everybody can hear you at that back table, please.

Q Are you familiar with machines called floor machines which the janitors use to strip floors or shampoo carpets?

A No.

Q Would it refresh your recollection if I were to suggest that these machines go from 17 to 23 inches in diameter at floor level?

A I don't know.

Q In any event, are you required to use any such equipment?

A No.

Q Do you in fact use any such equipment?

A No.

cmjp Phillips-cross [943]

Q Have you received any training in the use of such equipment?

A No.

Q Have you seen the mop trucks which janitors use in connection with cleaning heads?

A No.

Q In any event, are you required to use mop trucks in connection with your duties?

A No.

Q Are you familiar with an industrial type wet-dry vacuum cleaner, or a pile lifter?

A No.

Q In any event, you aren't required to use any such equipment, are you?

A No.

Q Have you used such equipment during the course of your duties at mathematics?

A No.

Q Have you received any training in connection with the use of such equipment?

A No.

Q Are you required to handle 55-gallon drums of cleaning solvents?

A No.

cmjp Phillips-cross [944]

Q Have you ever been called upon to handle such items?

A No.

Q Do you work on step ladders?

A No.

Q Have you ever been required to do that?

A No.

MR. STITT: If I may have a moment, your Honor.

THE COURT: You may.

Q Is there a bulletin board at mathematics, Mrs. Phillips?

A Yes.

Q Have you looked at that bulletin board on occasion during the past couple of years?

A No.

Q Have you ever seen on a bulletin board or anywhere else postings for jobs at the university?

A Yes.

Q Have you seen postings for heavy cleaner positions or guard positions?

A Guards.

Q Have you ever applied for a heavy cleaner position?

A No.

Q Or a guard position?

A No.

Q Have you ever signed any posting for a job?

A No.

* * * * * * *

XXX

REDIRECT EXAMINATION

BY MISS BODIAN:

* * * * * * *

[946]

Q When do you use your toy broom, the small broom that Mr. Stitt described to you on cross examination?

MR. STITT: I object to that. I believe the witness described that.

A When did I use it?

Q Yes, for what purposes did you use that broom?

A Well, I sweep up the cigarettes, I sweep up the, like rubber bands.

Q A little louder, please.

A Sweep up the cigarettes, the rubber bands.

Q From what kind of floor?

A From the carpet.

Q From carpets?

A Foom carpets.

Q Do you use it for any other reason?

A Yes, like if I dust mop and--dust mop and then sweep the trash up.

* * * * * * *

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XX V I O L E T R A W L S, called as a witness in behalf of the Secretary of Labor, having been first duly sworn by the Clerk of the Court, testified as follows:

XXX DIRECT EXAMINATION

BY MR. BERKE:

Q Mrs. Rawls, what is your current occupation?

A A cleaning woman.

Q Where do you clean and who are you employed by?

A Columbia University.

Q In which building are you assigned?

A McVickar.

Q How long have you been assigned to McVickar?

A Seven years.

Q How long have you been working for Columbia University?

A Eight years.

cmjp Rawls-direct [948]

Q Where did you work in your first year?

A My first year, I started in the building Mudd, by the name of Mudd.

Q Did you work in any other buildings in that year?

A Yes, I did.

Q What other buildings?

A Butler and Hamilton.

Q You say you have been in McVickar for the last seven years?

A That's right, approximately.

Q How many floors are there in McVickar?

A Nine.

B14 Q You are on the shift from midnight to 8:30 in the morning?

A Correct.

Q How many cleaning personnel are there assigned during that shift?

A Three.

Q Will you tell us the positions of each of those individuals?

A Well, there are two cleaning women, my co-worker and myself, and a janitor.

Q When you say two cleaning women, are you speaking of maids?

A Maids, right.

Q The current classification you understand to be light cleaner?

A Yes.

Q When you speak of the janitor, are you speaking of the man who you understand whose current occupation to be--

A Heavy.

Q (Continuing) Heavy cleaner.

THE COURT: Mr. Berke, I'm going to stop you a minute. Counsel in the other case, I am going to give the Allen charge, so we will have this jury brought in.

Mr. Berke, why don't you keep going--no, I think we had better get the tables cleared here.

(Brief recess.)

THE COURT: Proceed, Mr. Berke.

BY MR. BERKE:

Q Mrs. Rawls, you stated that there were nine floors in McVickar; is that correct?

A Correct.

Q Can you tell me to what floors you are presently assigned to clean?

A Five, four, three, half of two, that's the front section, the first floor and the basement which is considered a room.

Q When you say a half of two, you mean you split that floor with someone else?

A That's correct, with my co-worker. Right.

Q Who is that?

A Mrs. Smith.

Q She is a maid?

A Correct.

Q As to the fifth floor, what types of rooms are there on the fifth floor?

A On the fifth floor you have a seminar and the other ordinary rooms, like office rooms.

Q When you say a seminar room--

A That's the huge room.

Q A conference room?

A Conference room, or you can call it a faculty.

Q So there are seminar rooms and there are office rooms?

A Yes. And on the fifth floor there's also a lounge.

Q Are there lavatories?

A Yes.

Q Do you clean all of those rooms?

A I do.

MR. STITT: I object to the form of the question, your Honor. My adversary has reeled off a number of different

cmjp Rawls-direct [951]

rooms including lavatories,

THE COURT: Sustained.

Q Do you clean the conference rooms?

MR. BERKE: Withdrawn.

Q Do you clean the lavatories?

A No, I don't.

Q Do you clean all the other rooms with the exception of the lavatories?

A Correct.

Q Can you tell me, are the rooms carpeted?

A Yes.

Q Do you vacuum those rooms?

A I do.

Q With what kind of vacuum?

A An upright Hoover.

Q What is the weight of that vacuum?

A I really didn't weigh it, I wouldn't know.

Q How tall does it stand upright?

A About this high (indicating).

Q When you say that high, are you talking about that high from the floor?

A Yes, I am.

Q That should be about five feet high?

A I'll say about like this (indicating). You know.

Q Between four and five feet high?

A Yes.

Q When the vacuum is filled, what do you do?

A I empty it.

Q How do you go about doing that?

A I merely empty it once a week.

Q How do you empty it? How do you physically empty it?

A I take it apart at the top and I turn it upside down and empty it out in another plastic bag.

Q Do you place another bag in?

A No, it's the same bag. We don't replace it with other bags.

Q You mean you empty the bag?

A I empty the bag, then I place it back onto the vacuum.

Q What do you empty the bag into?

A Into a wastemaster which is a canvas bag, or trash bag.

Q When you started at Columbia, did you know how to do that?

A I most certainly did, because I did--yes, I did.

Q How did you know how to do it?

A Because I did the work before I came to Columbia.

Q How many rooms do you vacuum each night?

A Approximately 18.

Q Are those 18 rooms on a single floor?

A They are.

Q On what floors do you vacuum?

A The fifth floor, the fourth floor and third floor and the second floor. Of course the second floor that's just the half, you know.

Q And so when--

A Nine floors on the second floor--

Q Nine--

A Nine rooms, rather, on the second floor.

Q So when you say that you do 18 rooms, you mean you do a different floor each night?

A Correct.

Q With the vacuum. When you go in to clean for example a conference room what do you do besides vacuum?

A Well, I empty the trash, clean the tables off, there are huge tables, sometimes there's coffee spilled on these tables and they have to be washed off.

Q What do you wash them off with?

A Water and a sponge or a cloth, whatever I have.

Q Where do you get the water from?

A From the faucet.

Q What do you carry it in?

A In a pail.

Q How big is the pail?

A Say so large, you know, just a average pail (indicating).

Q And the washing you're doing is of conference tables; is that it?

A That's right.

Q In the conference rooms?

A Correct.

Q Now as to the trash, how do you go about picking up trash?

A Well, I take my wastemaster and I to each room and I empty my trash.

Q Now, the wastemaster that you speak of, this is a cart?

A Yes, it's a canvas bag which is inserted into a little contraption with wheels on it.

Q And you roll this contraption down the hall?

A To each door and empty my trash.

Q When you stated you vacuum one floor an evening, do you only collect trash on one floor an evening?

A No. In the whole--from the eighth floor down.

Q You collect trash--

A I mean from the fifth floor down, that is.

Q On say the fifth floor, you testified there are 18 rooms you would collect trash from all 18 rooms?

A Correct.

Q I believe you said that you did half of the second floor upon which there would be 18 rooms?

A There are 18 rooms on the second floor, but I myself only do nine rooms.

Q And you collect trash from nine rooms?

A Correct.

Q What do you do with the trash after you collect it?

A I take it to the elevator and I just start it and put it on the elevator. In the plastic bags, that is.

Q Who takes the trash from there?

A The janitor.

Q You are speaking of the night janitor?

A That's correct.

Q What is his name?

A Ramon Taggar.

MR. STITT: May we have that spelled?

Q Could you spell that to the best of your ability?

A Yes, I will, it's R-a-m-o-n T-a-g-g-a-r.

Q What does Mr. Taggar do with the garbage that you leave at the elevator?

A Well, he takes it down to the basement and he places it into a room.

Q How does he get it from the elevator to the room down in the basement?

A He walks over from the elevator to the room.

Q Can you tell us what the distance is from the elevator to the room?

A Approximately I'll say 13 feet.

Q Does he carry the trash outdoors on a cart?

A No.

Q Does he carry the trash outdoors at all?

A No.

Q Who does that?

A The day janitor.

Q Do you know how many toilets, bathrooms, how many bathrooms there are--

A There are ten.

Q There are ten in McVickar. And whose duty is it to clean those bathrooms?

A Mr. Taggar.

Q Have you been inside these bathrooms?

A I have from time to time.

Q Can you tell me how many individual commodes are there in each bathroom?

A Well, mostly in the men's there are two and in the women's there are mostly three.

Q Are there any more than three commodes in any of the bathrooms?

A Not to my knowledge, I don't think so.

Q But there are two in some of the bathrooms in the men's room; is that correct?

A Correct.

Q How many men's rooms are there in the building?

A That I'm not too sure of.

Q Have you ever been inside the bathrooms?

A I have.

Q Have you ever cleaned inside the bathrooms?

A I have.

Q When was the last time you cleaned inside a bathroom?

MR. STITT: I object to the word "clean," your Honor.

MR. BERKE: I'm using it generally. I will be specific in breaking it down as to what was actually done once we are established as to time.

THE COURT: All right.

B15

Q When was the last time you cleaned inside a bathroom?

A Around the first of the year, I'm not too sure of the month of the year, but around the first.

Q Around the first of 1974?

A '74, correct.

Q What work did you perform in the bathroom?

A Emptying the trash and cleaning the basins.

Q You cleaned the basins. When you say basins, are those the toilets or the sinks?

A The sinks which you wash your hands in.

Q Did you clean the toilets?

A No, I did not.

Q Have you ever cleaned a commode?

MR. STITT: I object to the form of that question.

Q Since March 11, 1971, have you ever cleaned a commode in McVickar?

THE COURT: On what ground are you objecting?

MR. STITT: I don't, not in that form.

THE COURT: All right, go ahead.

Q Mrs. Rawls, since March 11, 1971, have you ever cleaned a commode in McVickar?

A No.

Q But you have cleaned a basin?

A Yes, that's right.

Q What occasioned you to clean the basin?

A Beg pardon?

Q That is to say the toilet is not your regular assignment, is it?

A No, it's not. No.

Q What were you doing in there to clean the basin?

A Well, one of the men, I don't remember the case, but he was out sick, either out sick or they were short of help and we were asked to, you know, take the paper out and just tidy it up a little, that's all.

Q Did you get any more money for the time spent cleaning the bathroom?

A No, I didn't.

Q You say you carry your trash, actually you are--

THE COURT: Before you leave this subject, how long did you do this and when did you do this? Somebody was sick and you did it for a few days kind of thing?

THE WITNESS: Beg pardon?

THE COURT: This cleaning of the basins, did you do this just for a few days?

THE WITNESS: No, just for a day or so.

THE COURT: Just for a day or so.

THE WITNESS: Yes, sir.

THE COURT: Do you remember when you did this?

THE WITNESS: It was around the first of the year.

cmjp Rawls-direct [960]

THE COURT: The one time?

THE WITNESS: Somewhere around the first of the year.

THE COURT: One or two days you did the basins because somebody was sick?

THE WITNESS: Yes, right.

THE COURT: I see. All right, thank you.

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[965]

Q Mrs. Rawls, you have been working in this building for seven years. Has your assignment in terms of the spaces assigned to you always been the same?

A No.

Q How has it been different?

A Another maid's job has been added to me.

Q Another maid's job has been added to you?

A Yes. First I was doing three rooms--three floors, and another maid's, like I say, another maid's job has been added to me.

Q In other words, when was this addition?

A This has been--during the time when they had laid the--it was supposedly to have laid the 30 maids off.

Q Can you give me a date?

A I couldn't give no precise date. It's been about several years now. At that time, when--

Q Has it been since March 11, 1971?

A Like I say, I'm not too sure about the date. I imagine since then.

Q Was it in 1971, do you know?

A Possible.

Q Mrs. Rawls, do you use a motor driven buffing

machine in your job?

A No.

MR. STITT: Will the record show that the witness shook her head no.

THE WITNESS: I said no.

MR. STITT: Thank you.

Q Have you ever observed Mr. Taggar use a motor driven buffing machine?

A You mean a machine that you wax the floors with?

B16 Q Yes.

A Yes, I have.

Q How often have you observed him use it?

A I'll say about several times a year.

Q By several, can you be more specific, m'am?

A I'll say twice.

Q Twice in a year?

A Twice I'll say, yes.

Q Have you seen him use it more than twice a year?

A Not as I recall.

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CROSS EXAMINATION [969]

BY MR. STITT:

Q Mrs. Rawls, do you work with what is called an alternate schedule at McVickar?

A I didn't get the question.

Q Do you work an alternate schedule at McVickar?

For example--

A Alternate?

Q Yes.

A You mean alternating?

Q Yes.

A Yes.

Q For example, on some days are you assigned to the fifth and the fourth floors?

A On some days assigned to the fifth and the fourth floors, assigned from the eighth floor to the basement--I mean, from the fifth floor to the basement, that's my assignment.

Q And you divide that up into two schedules, do you?

A No, I do not divide anything up into no schedules.

Q But you don't do the same floors each night, do you?

A I do not do the same floor--when you say the same floor each night, what do you mean?

Q Well, for example, on some nights are you assigned to the second and first floors?

A I'm assigned to them every night.

Q Is it your testimony that you do all of the floors each and every night?

A What do you mean all the floors? There are 11

floors in the building.

Q Do you do different floors on different nights?

A I do, that's correct.

Q Is it true that you were assigned to classrooms and offices?

A Correct.

Q And seminar rooms?

A That's right.

Q And in the hallways you just do dust mopping?

A I do nothing in the hallways.

Q You do nothing in the hallways?

A Correct.

Q Are there any other rooms to which you are assigned?

A Only what I mentioned.

Q And your duties include dusting tables?

A Dusting all furniture.

Q Wiping window sills?

A Correct.

Q Spot cleaning the walls?

A Correct.

Q Just as high as you can reach?

A Correct.

Q Emptying waste baskets?

A Correct.

Q Emptying ash trays?

A Correct.

Q Wiping and polishing furniture?

A That's correct.

Q And also vacuuming?

A Oh, yes.

Q Anything else?

A Dusting lamps, dusting shelves. You name it.

Q Anything beyond that general dusting?

A Waxing floors--I mean waxing furniture.

Q Polishing furniture?

A Polishing furniture, right.

Q Does that complete your duties?

A Washing tables off.

Q You wipe them off with a cloth, do you?

A Wash them in the seminar room, especially where say, for instance, a table like this large, they have several huge tables and when coffee is spilled on them, I wash them off.

Q You wipe them off with a cloth?

A I wash them off, and if there is no coffee on it, then I wipe them off.

Q What do you use, a sponge or a cloth?

A I use a sponge and a pail with a little water.

Q Your equipment consists of rags and sponges?

A Beg pardon?

Q Rags and sponges, is that part of your equipment?

A That's right.

Q And the upright vacuum?

A That's right.

Q And a 24-inch dust broom?

A Dust mop?

Q Do you use a dust mop?

A I told you no.

Q I am sorry. Do you use a cart called a waste-master?

A Correct.

Q Do you keep your equipment on this cart?

A I most certainly do.

Q Do you have a toy broom?

A Yes.

Q And your household pail, does that go in this cart also?

A I keep that inside of my basket, my waste--

Q On your wastemaster?

A Right.

Q Is that sometimes called a wastemobile?

A You can call it what you want.

Q Okay. Have we run the gamut of your equipment?

A Beg pardon?

Q Is there any other equipment that you use?

A Yes, I have a--let me see, one of those blowers that you clean the seats of the chairs with, you may call it a blower, a vacuum, you know. I use that occasionally.

Q A small vacuum?

A Yes, you clean the seats of the chairs. I use that occasionally.

Q Does that about complete your equipment?

A Perhaps.

Q You can't think of anything else?

A No, I can't.

Q I believe you testified that you are not assigned to lavatories.

A I'm not assigned to them, no.

Q And you are not assigned to elevators?

A No.

Q Or stairways?

A What do you mean I'm not assigned to elevators?

Q Do you wet mop elevators?

A No, I do not.

Q The janitor does that?

A Yes, right.

Q And the stairways, do you mop stairs?

A No, I do not.

Q The janitor does that?

A Yes.

Q And you are not required to wet mop floors, are you?

A I'm not required to.

Q And you don't strip wax or buff floors, do you?

A Certainly not.

Q The janitors do those things. And when they are done, the janitor does it; is that right?

A Beg pardon?

Q When those things are done, Mr. Taggar--

A Yes, the two janitors.

Q Mr. Taggar--

A Mr. Ray and Mr. Taggar.

Q And Mr. Taggar?

A Yes. Sometimes Mr. Ray and Mr. Taggar.

Q And Mr. Taggar?

A Yes. Sometimes twice a year, as I told you.

Q But whenever that is done, it is Mr. Taggar and Mr. Ray?

A Mr. Ray, right.

Q And these lavatories have to be wet mopped and sanitized each night, don't they?

A That I don't know.

Q Well, aren't they done regularly by Mr. Taggar?

A I know they are done by him, but whether they are done regularly every night, that I wouldn't know.

Q In any event, he is the one that does them; is that right?

A He is the one that is supposed to do it, yes.

Q And he also takes these bags of rubbish down the elevator down to the basement?

A No, he does not.

Q Who does that?

A I place them on the elevator, then after they are on the elevator, he takes them down on the elevator and then he places them into a small room.

Q Then the day janitor comes in and pushes them out--

A And he takes it from there, yes.

Q He puts them on the trash truck?

A I really don't know that. I know he puts them outside onto the street.

Q Have you ever seen him do it?

A I have seen him, yes, when I went home in the morning.

B17

Q Describe what you saw when the day janitor put them out on the street.

A I have seen him like when I'm coming out 8:30 in the morning putting the trash out onto the sidewalk.

Q How does he do it?

A I just see him throwing it out there, that's all.

Q Have you ever seen the trash truck?

A Not as I recall.

Q You testified about these floor machines that you have seen the janitors use to do waxing. Are they about 17 to 23 inches in diameter?

A I never measured them.

Q You have never been called upon to use one of those machines, have you?

A No, I haven't.

Q And you have never been trained in using one, have you?

A No, I have never been trained to use one.

Q Are you familiar with the mopping equipment which Mr. Taggar uses to clean these heads?

A Am I familiar with them?

Q Yes.

A You mean could I do it?

Q No, no. Have you seen the mop truck that he uses,

for example?

A I have seen it, yes.

Q And you are not required to use that equipment?

A No, I'm not.

Q Are you familiar with a type of vacuum known as a wet-dry industrial type, it may be called a pile lifter?

A I have never seen--what is that for? What is it for?

Q Doing some heavy vacuuming of carpeting and wet-dry vacuuming.

A I don't think we have--

Q So you haven't been required to use that type of a vacuum, have you?

A No.

Q And you are not required to handle 55-gallon drums of cleaning solvents?

A No.

Q And you are not required to work on ladders, are you?

A No.

Q Is there a clock in McVickar where you punch in downstairs?

A Yes.

Q Is that by a bulletin board?

cmjp Rawls-cross [979]

A Yes.

Q Are there notices sometimes on that bulletin board?

A Yes.

Q Are some of these notices about jobs that are open at the university?

A Mostly that I have noticed are for men.

Q Are you referring to heavy cleaner notices?

A Yes. Yes. That I have seen. OtherWise, outside of that--

Q Have you ever signed up for any of those postings?

A No, I never signed up.

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cmjp Rawls-cross [980]

Q I believe you mentioned that there used to be a maid, a third maid in the building who is now working elsewhere?

A She is working as a janitor elsewhere.

Q That is Mrs. Gilliam; is that right?

A Right. Correct.

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REDIRECT EXAMINATION [982]

BY MISS LIBOW:

Q Mrs. Rawls, why have you never applied for any of the jobs as janitor or guard?

cmjp Rawls-redirect [983]

MR. STITT: Your Honor, I must object to any question beginning with why. It calls for a conclusion from the witness.

THE COURT: Well, this is something that you in effect raised by cross examination that is really in the nature of a subject that you have gone into on your own, is it not?

MR. STITT: I have asked whether or not she saw notices, and I believe she testified she had and that she had not applied.

MISS LIBOW: I believe that once the issue has been raised--

THE COURT: Yes, I will overrule the objection. You may answer.

Q Go ahead and answer the question.

A Beg pardon?

Q Why?

MISS LIBOW: Could we have the question read back?

(Question read.)

A Just didn't apply for it. I just didn't apply for it.

Q Do you know of any women who work in those positions?

A Yes.

cmjp Rawls-redirect [984]

Q You do?

A Yes.

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4 cmsr [991]

E L O I S E T O O K S , called as a witness in behalf of the Secretary of Labor, having been first duly sworn by the Clerk of the Court, testified as follows:

DIRECT EXAMINATION

BY MISS RODENHAUSEN:

Q Mrs. Tooks, would you state your address for the record, please.

A 1310 East 223rd Street, Bronx.

Q Would you also state for the record your sex, please.

A Female.

Q What is your occupation, Mrs. Tooks?

A Maid.

Q Who are you employed by?

A Columbia University.

Q When did you start working at Columbia University?

A In February, I think it was 1969.

Q What buildings have you worked in since 1965 as a maid at Columbia?

A Well, when I started there I worked in John Jay, and now I works in Hartley.

Q How many years did you work in John Jay?

A I would say about -- I couldn't say exactly how many years I worked, but at least five years or more.

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Q Five or more years. And how long have you been working at Hartley?

A Well, I have been working in Hartley regular for two years.

Q What shift do you work in Hartley, Mrs. Tooks?

A I work from seven until 3:30 days.

Q Will you tell us now about your work day in Hartley for the last two years? Where do you go when you start cleaning?

A Well, in the morning time when we start at seven o'clock I starts downstairs in the office, so I do the offices and I do the lounges. And everything downstairs on the main floor.

Q How many offices are there on the main floor?

A It's three office, and I have a conference room, study room, a game room, the black lounge and the lobby.

Q What is the game room, Mrs. Tooks?

A It's where they have the machines, you know, for them to play games with.

Q Do you have anything to do with cleaning any of these machines in the game room?

A Well, I only wipe them off.

Q What do you do to clean these offices and conference rooms and lounges on the main floor?

A Well, I empties the garbage, I clean the ash trays, I dust and clean off the desks and the window sills.

Q Is there any furniture in these rooms that you clean?

A Just the decks.

Q What kind of equipment do you use to clean the surfaces?

A Well, some time I polish them and some I use a wet rag with, you know, a solution in the water and wash it a little more.

Q Where do you go next after the main floor?

A After we finish that I go upstairs to the ninth floor and I go up on the tenth floor and I start up there I do the corridors, and from the tenth floor I come to the ninth floor. I have corridors there, and I have lounges. One lounge. And I do the corridor and the lounge and I pick up all the garbage, and from there to the next floor until I finish down to the second floor.

Q Down to the which floor?

A Second floord.

Q Seventh?

A Second. Second. Because I have the whole building.

Q You say you do the corridors, do you do the corridors from the second to the tenth floor?

7 cmsr Tooks - direct

A Yes.

Q Are you the only person cleaning the corridors on your shift?

A Yes.

Q What do you do when you say you do the corridors, what does that entail?

A Well, I carpet sweep the corridors and I picks up all the garbage and everything in the corridors, and I do the same thing in the lounge, I carpet sweep them and I wash the furniture and ash trays and things, and then the chairs.

Q In the corridors, are these corridors carpeted or are they tile?

A They are carpeted.

Q You run over the tiles, did you say?

A Carpet.

Q Carpets, I'm sorry. With the carpet sweeper. Do you clean the baseboards in the hallways?

A Well, I usually dust them.

Q Will you tell us about your carpet sweeper? What kind of carpet sweeper is this?

A We have the little Bissel carpet sweeper what you push.

MR. STITT: Bissell, B-i-s-s-e-l-l.

A A Bissell carpet sweeper.

Q Does this have a long handle on it?

A With a long handle, yes.

Q Do you use any other equipment to clean the corridors?

A The broom. I have the long-handled broom, you know, where I sweep in the corners and around where the carpet sweeper don't go.

Q What do you do with the dirt that the carpet sweeper accumulates?

A Well, I empties it out. I cleans out the carpet sweeper.

Q How often do you do that?

A Well, it depends on how dirty it is. Sometime I can do about two floors or maybe the lounge or something and I clean it. It depends on how much dirt I have. I might empty it out about twice or three times a day.

Q From the tenth to the second floor you mentioned cleaning the lounges. How many lounges are there?

A Well, I have lounges on every floor except the tenth. Tenth floor. And on the balcony side, on the second floor, see, it's a balcony so I have the lounge on each side of the balcony.

Q Are there two lounges on each floor?

9 cmsr Tooks - direct

A No, just one.

Q Just on the second floor?

A Yes.

Q What about on the third floor to the tenth floor?

A It's nothing on the tenth floor. I don't have no lounge on the tenth floor, it's only from the ninth down to the second.

Q From the ninth to the second floor are there two lounges on each of those floors?

A No. Only the second floor. See, it's a balcony, it's separated, and it's two lounges there, but all the rest of them from three up to nine it's got one.

Q Do you clean any areas on the third to the ninth floor besides the corridor?

A Nothing but the corridors. On the tenth floor.

Q What kind of equipment do you use to clean the conference room -- I'm sorry, the lounge on the second floor?

A On the second floor? It's the same thing as I use on the other floors, the carpet sweeper and the broom.

Q How do you get to your supplies from floor to floor?

A Well, I always walk down the steps with them. Carpet sweeper and the broom and the bag.

Q You carry these supplies?

A Yes.

10 cmsr Tooks - direct

Q Is there an elevator in this building?

A Yes, it's an elevator there.

Q Why don't you take your supplies down the elevator, Mrs. Tooks?

A Well, you know, sometime you waste so much time waiting for an elevator.

Q Do you ever substitute clean for another cleaner?

A Yes, sometime when a girl stay out we have to cover her schedule.

Q How often does that happen?

A Let me see now about how often. Maybe about a couple of times a month, or something like that. Sometime about once or maybe twice.

Q Did you work in Hartley every day of the year for the last two years?

A Yes.

Q Did you work any different in different parts of the year?

A Only the summer. In the summer.

Q Do your tasks differ in the summer?

MR. STITT: May we fix the period of time, please.

THE COURT: Yes.

Q Last summer, Mrs. Tooks, did you have any different tasks to do than you do during the rest of the year?

A Well, only the summer we cleans rooms, and that's in every -- any place they need you.

Q By summer, what period of time are you talking about.

A From the time, I'd say from June when the students check out until about September when they come back in.

Q What do you do during the summer that you don't do during the rest of the year?

A Clean rooms.

Q What kinds of rooms are these?

A Student rooms where they live all winter. And so we washes furniture and the chairs and the baseboards and the window sills and medicine cabinets and all this.

Q Do these rooms have any bathrooms in them?

A No, they only have a face bowl what we have to scrub.

Q That's a sink?

A Yes, sink.

Q What do you use to clean the sink?

A Well, we has, what do you call it now, we have Ajax and then we have Temp. So we can take either one we want to use, the Ajax or the Temp.

Q You just wipe it around the bowl?

A You have got to scrub it around the bowl.

Q Do you find any trash in these rooms?

A Well, we do that before we start washing and cleaning the room. We have to go through it and pick up all the trash and everything before we start cleaning the room.

Q Is this different in any way from the trash you pick up from the lounges or conference rooms during the regular year, the rest of the year?

A Yes, because it's paper, old clothes and everything.

Q What do you do with this?

A We put it in the garbage, and if it's anything in there, you know, we figure the student will come back, we always take it and put the room number on and take it downstairs and they put it away in the lost and found.

Q Where do you take the trash that you don't keep?

A The trash, we sets it outside there by the elevator.

Q Do you bag it?

A Yes, it's bagged.

Q How many rooms are you cleaning a day during the summer?

A Well, they give us at least eight or ten. The least you will get is eight, eight rooms.

Q When you say us, is this --

A Well, that means all the girls because they give

everybody a paper.

Q Does each girl get eight to ten rooms?

A Yes.

Q Do you work during the summertime in eight rooms a day in Hartley Hall?

A Well, it's in Hartley, Livingston, anywhere they need you.

Q You go to different buildings during the summer?

A Yes.

Q Do you use a wet mop when you clean these student rooms during the summer?

A No, the man wet mops them and wipes them.

Q Have you ever used a wet mop during the summer?

MR. STITT: I object to the form of that question. It has already been asked and answered.

Q When you said the men use a wet mop --

THE COURT: Overruled.

MISS RODENHAUSEN: Overruled? Have you ever used a wet mop in the student rooms?

A Yes, I have.

Q What period of time?

A That's when we were servicing the room.

Q How long ago was that?

A About four, five years ago.

14 cmsr Tooks - direct

Q When you say that was when you were servicing rooms, you testified to cleaning rooms in the summer, will you tell the Court about the change in servicing rooms from cleaning rooms in the summertime --

A When we used to service rooms?

Q Yes, what does that mean?

A Servicing rooms? Well, we would go in and we would make the beds, change the linen, leave clean towels and sleep and dust and clean the face bowl out and wet mop the floor.

Q And about when did you stop doing that?

A About, maybe about five years ago, I couldn't say exactly, but it's somewhere around there. Four, five years ago.

Q Did you do that routine on a daily basis?

A Yes.

Q Before you worked in Hartley, Mrs. Tooks, where did you work previous to that?

A Well, I was working in John Jay.

Q What were your duties in John Jay?

A I was doing the same thing. Well, I worked in John Jay until they made a changeover. you know.

Q Changeover from what to what?

A From servicing rooms, you know, they separated

the girls and put some in one place and some in another, and they give us this schedule we have got now doing corridors and lounges.

Q When you say you did the same at John Jay, which do you mean you did the same --

A Servicing rooms.

Q Servicing rooms?

A Yes, cleaning the rooms.

Q Have you ever had occasion to change light bulbs in your duties in Hartley Hall?

A Well, in the lounges we changed the light bulbs in the lamps.

Q Where do you get those bulbs from?

A From the supervisor downstairs. He always gives them to us.

Q Did you ever change any other kind of light bulb?

A No more than when we were servicing rooms, just changed them, you know, over the medicine cabinet there some place.

Q Did you clean any telephone booths in Hartley Hall?

A Yes, we clean, dust and clean the telephone booths on the main floor.

Q About how many of those do you clean at Hartley?

16 cmsr Tooks - direct [1003]

A To make a rough guess it's about five there.

Q What do you do, just dust them?

A Yes, dust them, take a wet rag, wipe them off.

* * * * * *

CROSS-EXAMINATION [1005]

BY MR. STITT:

* * * * * * [1006]

Q I believe you mentioned on direct examination that on occasion you substitute for another maid or light

cleaner when a girl is out sick?

A Yes.

Q You are not called upon to substitute for janitors on that basis, are you?

A No.

Q You mentioned on your direct examination that at one time you did wet mopping in the student rooms and that ceased some four to five years ago.

A Yes. Yes. After we stopped.

Q That was when the University curtailed maid service in the student rooms?

A Yes.

Q Would it refresh your recollection if I suggested that this occurred during the summer of 1970 --

MISS RODENHUASEN: Objection to the form of that.

THE COURT: Overruled.

MR. STITT: I am trying to jog her memory, your Honor.

THE COURT: Go ahead.

Q Would it refresh your recollection if were to suggest that that was during the summer of 1970, Mrs. Tooks?

A '70? Well, I don't know exactly.

Q Well, let me pursue it a little further. Would it refresh your memory if I were to suggest that during the

summer of 1970 when maid service was curtailed in the residence halls a group of maids were transferred from the residence halls to B & G?

A Right.

Q Do you knows Mrs. Dickens?

A Yes, I do.

Q Was Mrs. Dickens part of that group?

A Yes, she was.

MR. STITT: Your Honor, if my memory is correct I think Mrs. Dickens' testimony is quite clear that she commenced working in Butler in September of 1970.

Q Now, you mentioned that on occasion you change light bulbs?

A Yes.

Q Where are these light bulbs located that you change?

A In the lounge. In the lounges, in the lamps.

Q You're talking about floor lamps and table lamps?

A Yes.

Q You didn't wish to imply that you changed ceiling lamps, did you?

A No, I didn't change no ceiling lamps.

Q You are not required to do that, are you?

A No, I would 't. I wouldn't get up there and

change them.

Q You don't do that, the janitors do it; isn't that so?

A If they are there they do it.

Q In any event, you are not required, you are not asked to do that task of changing ceiling lamps.

MISS RODENHAUSEN: Objection to the form as compound.

THE COURT: No, I will allow it on this case.

A No.

Q You don't work on ladders, do you?

A On ladders?

Q On ladders.

A No.

Q Now, as part of your routine are you given a document called a daily housekeeping schedule?

A Yes, we all get that.

Q I believe you said you work from seven until 3:30 at Hartley?

A Yes.

Q That has been your routine for the past couple of years?

A Yes.

MR. STITT: Would you mark this document for

23 cmsr Tooks - cross [1010]

identification, please.

THE WITNESS: And it's a lot of things we do is not on these things.

[Defendant University Exhibit L marked for identification.]

BY MR. STITT:

Q Now I am going to show you University Exhibit L marked for identification. Will you tell me what that is, Mrs. Tooks? [Handing.]

A What, this right here?

Q This whole document.

A The whole document?

Q Yes.

A This is our schedule for the whole week from Monday through Friday.

Q And this is the work schedule that you have had at Hartley for the past couple of years?

A Yes.

Q And it lists your floors, does it not?

A Right.

Q Now, where it says vacuum various floors, you use a carpet sweeper, don't you?

A That's right.

Q Is that a Bissell carpet sweeper?

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24 cmsr Tooks - cross [1011]

A Yes.

Q It weighs about seven pounds?

A Yes, with a long handle.

Q About Seven pounds?

A Yes.

MR. STITT: Your Honor, I think this document has been sufficiently authenticated by the witness.

THE COURT: Is there any objection?

MISS RODENHAUSEN: Yes, your Honor, I object. Columbia has numerous business records kept in the course of business, and I don't see the relevance or materiality of the work schedule.

THE COURT: This is a schedule used by this witness, and I assume you acknowledge it is authentic.

MISS RODENHAUSEN: That she has received it she has testified to.

THE COURT: Very good. I will admit it.

* * * * * * * [1012]

[Defendant University Exhibit L received in evidence.]

BY MR. STITT:

Q You have testified, Mrs. Tooks, that you are assigned to offices?

A Yes.

Q You also do some work in corridors?

A Yes, that's my job now, I do corridors and the lounge.

Q You do that with a carpet sweeper, don't you?

A Yes.

Q Do your duties include dusting tables?

A Yes.

Q And wiping window sills?

A Yes.

Q Do you do that with a damp cloth?

A Yes.

Q And also wiping furniture, do you do that with a damp cloth?

A Yes, sometime certain places we have to polish,

We have polish.

Q You polish furniture on occasion?

A Yes.

Q Do you spot-clean the walls?

A Like the door facings and all that, and the baseboards.

Q Just as high as you can reach?

A Yes.

Q You don't go up on any ladders or anything to do that cleaning?

A No.

Q Do you empty waste baskets?

A Yes.

Q Do you put that in a brown paper bag?

A Right.

Q Do you empty ash trays?

A Ash trays, yes.

Q And that goes into the --

A In the garbage.

Q [continuing] -- in same bag?

A Yes, all go in the same bag.

Q Do you do any dust mopping?

A Yes, I have, it's like the black lounge and the game room I use the dust mop.

Q Is that what they call a 24-inch dust mop?

A No, we have a mop like this with a handle on it.

Q How big is your dust mop?

A About like this. [Indicating.]

Q About two feet wide?

A Maybe so, yes.

Q Does that weigh about three and a half pounds including the handle?

A I don't know. Maybe.

Q In that general vicinity?

A Yes, something like that.

Q Your equipment includes rags and sponges?

A Yes.

Q And the carpet sweeper we have already covered, the dust mop we have covered, the brown bags. You testified that you used a broom?

A Yes.

Q Is this what they call a toy broom?

A No, I have the regular broom.

Q You have a regular broom?

A Yes.

Q How much does that weigh compared to the dust mop? About the same?

A Well, I guess so. I believe about the same.

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28 cmsr Tooks - cross [1015]

Q Do you have a pail that you use in your duties?

A Yes, we have a pail.

Q That weighs about one and three-quarter pounds empty?

A I guess so. I don't know much about weight. I guess so.

Q Would that be a fair estimate?

A Well, I guess so.

Q It would be fair, wouldn't it?

A What, it weigh that much?

Q Yes.

A I guess so, I don't know. I wouldn't say yes until I weighed it.

Q But that would be a fair estimate?

THE COURT: Mr. Stitt, I think --

MR. STITT: I will let it go, your Honor.

Q Do you carry some of these sponges and things in your pail?

A Well, I have the bag I puts all my junk in.

Q That is a shopping bag?

A No, it's not a shopping bag. We got some made up there out of cloth.

Q A cloth bag?

A Yes.

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29 cmsr Tooks - cross [1016]

Q Do you have sinks on each floor that you can use to get water?

A Yes.

Q Are there lavoratories in Hartley?

A Lavoratory? Yes, on every floor.

Q For men and women?

A Sure. They goes in there, it's co-ed.

Q You are not assigned to these lavoratories, are you?

A No.

Q It is the janitors who clean these lavoratories, isn't that a fact?

A Right.

Q Are they in there every day?

A They supposed to be in there every day.

Q You have seen them in there regularly, haven't you?

A Well, I sees them when they go there, I sees them.

Q Are you assigned to the elevators?

A Assigned to the elevators?

Q Who cleans the elevators? Who wet mops the elevators?

A I guess the janitors do.

Q Have you ever seen them do it?

A I seen them do it on the main floor sometime.

Q In any event, you are not called upon to damp mop those elevators, are you?

A No.

Q Are there stairways in -- I believe you have testified there are stairways in --

A Yes, there are stairways there.

Q And on occasion do these stairways have to be wet mopped?

A Yes.

Q That is done by the janitors, is it not?

A Yes.

Q You are not required to do that?

A No, I don't do it.

Q Now, there is, of course, a lobby in Hartley?

A A lobby?

Q Yes.

A What, downstairs?

Q Yes.

A Yes.

Q And on occasion does that lobby have to be wet mopped?

A Yes, the man wet mop and I clean the furniture.

Q How often do they wet mop that lobby, do you know?

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A Supposed to do it every day.

Q Every day?

A Yes.

Q On occasion do the floors at Hartley have to be stripped?

A No, because they don't wax them.

Q Is that because the floors are carpeted?

A I think they -- the floors is marble, them corridor floors.

Q And your testimony is those floors are never waxed or buffed?

A No, they're not to be waxed. Not the corridor floors there.

Q They are just wet mopped?

A Yes.

Q Are you called upon to shampoo any of these carpets?

A No.

Q The janitors do that, don't they?

A Yes, they do it.

Q Are you familiar with the term called pile lifting with regard to carpet cleaning?

A Yes.

Q Have you seen the janitors use the pile lifter?

A Yes, I have seen them use it.

MR. STITT: If I may have a moment, your Honor.

THE COURT: Surely.

Q Does this pile lifter weigh about 60 pounds?

A I don't know how much it weighs.

Q It is a lot heavier than anything you have used, isn't it?

A Well, I never used it so I don't know.

Q Who takes care of these bags of rubbish after you leave the elevator?

A The janitors do.

Q From that point on it is their responsibility, not yours?

A Yes. After I gather it up.

Q Are you familiar with the term known as shower maid, or maid showers?

A Shower maid or maid shower?

Q Yes.

A Well, a couple of times they had a girl in the summer doing the showers when they had, you know, these different groups that had girls.

Q And those girls who did that shower work, did they receive standard pay?

A Yes.

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Q How long has that been going on to your knowledge, Mrs. Tooks?

A Let me see, I don't think it was done -- I don't know. Maybe -- I don't know, maybe three or four years.

Q Three or four years?

A Yes.

Q Perhaps more?

A Because they have the girls come in in the building and one of the maids take care of the shower during the summer while they are there, the few weeks they are there.

Q And when she does that she gets janitor's pay, doesn't she?

A Yes.

Q Are you familiar with the building called Johnson Hall?

A Yes. I understand it's one there.

Q A shower maid?

A Yes.

Q Who receives janitor pay?

A I don't know. I don't know whether she do or not.

Q Isn't it true that women called maid showers have cleaned the lavoratories and shower facilities at Johnson Hall for at least ten years?

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MISS RODENHAUSEN: Objection.

THE COURT: If she knows. Overruled.

A I don't know.

Q Or at least going back to 1965 when you first came to the University?

A Well, I didn't know nothing about Johnson Hall.

Q Did it ever come to your attention that there are shower maids in Johnson Hall?

A Yes, recent, yes.

Q And they receive heavy cleaner pay?

A I don't know what they get. I don't know what they get paid.

Q Is it true that light cleaners, or maids in the residence halls, are sometimes asked if they wish to volunteer for work for which they will be paid at the heavy cleaner rate?

A Say that again.

THE COURT: Could that be read back, please.

MR. STITT: Would you read the question back to the witness.

[Question read.]

A Not around where I work at. Maybe a couple of times.

Q You know of a couple of times when that has

happened?

A Yes.

Q Over what period of time?

A I don't know.

Q Several years?

A Maybe.

Q Is that your best estimate?

A Maybe a couple of years ago.

Q Have you ever volunteered for such work?

A No.

Q Do you have any position with your union?

THE COURT: Mr. Stitt, can I stay with this subject for a minute?

MR. STITT: Surely.

THE COURT: Mrs. Tooks, what is the work that was offered to the light cleaners if they would volunteer for it and be paid the heavy cleaner rate? You say you know of a couple of instances, what was the work that was offered?

THE WITNESS: Do the steps and -- mop and clean down the steps.

Q Wet mop the steps?

A Yes.

THE COURT: Anything else that you can remember?

THE WITNESS: Let me see now. I think washing the elevator doors and -- I don't know, I think that's about all I remember now.

Q Wet mopping in the elevators?

A Yes. And I think once they give the janitors pay they had them, you know, cleaning the bathroom, the toilets.

THE COURT: I see.

THE WITNESS: That's as far as I know.

THE COURT: Thank you. Go ahead, sir.

BY MR. STITT:

Q Just so the record is clear, you are not required to use floor machines, are you?

A No.

Q And you have never used them?

A No, I never used them.

Q Are you familiar with mop trucks that the janitors use?

A Mop trucks?

Q Mop trucks. A dolly, a couple of 44 quart pails with solution in each.

A What you talkin' about?

Q In any event, you are not required to use mop trucks in your work?

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A No, I don't even know what that is. I don't know what you're talking about.

Q And you don't use this pile lifter that we were talking about earlier, or any sort of wet-dry industrial type vacuum cleaner?

A No, I don't use no power.

Q And you don't handle 55 gallon drums of cleaning solvents?

A No, I don't. No.

Q And you have testified that you don't work with ladders?

A No.

Q Mrs. Tooks, I wonder if you would give us for the record your best estimate of your height and weight, please.

A My height and weight?

Q Please.

A You don't want to know my weight. I'm five-ten, I weigh 186 pounds.

* * * * * * * *

REDIRECT EXAMINATION [1025]

BY MISS RODENHAUSEN:

Q Mrs. Tocks, I show you Defendant's Exhibit L in

evidence, your daily housekeeping schedule. Now, you testified that there are lots of things that you do that are not on the schedule.

A Yes.

Q Would you tell us how your work differs from the daily assignments listed on that schedule, if at all?

A Well, usually when we go through and if it's something or other when we catch up we want to do this extra, if it's not bad, why, we go on like dusting the baseboards --

THE COURT: I didn't hear that answer. Would you read it back, please.

[Answer read.]

Q Are there any rooms on that list there that you clean that are not included --

A Yes, well, on this now I have like the game room is not on here, and the telephone booths they is not on here.

Q Now, at the bottom of the schedule this day is Monday, Wednesday, Friday --

A Well, they puts this down here --

Q Let me just out a question to you about that.

A All right.

Q These jobs that are listed here for Monday, for

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Wednesday, for Friday, are those the days that you do these tasks?

A This is the day you are supposed to do these tasks Like damp mop the telephone and the office equipment --

MR. STITT: I believe that says damp clean, your Honor.

THE WITNESS: Yes, damp clean. The telephone and office equipment and the chairs and air conditioning. This you're supposed to do on these days.

Q Is that when you do them?

A Well, I tell you, when I go in if they need it I do it, if it's every day. This is the way I do mine.

* * * * * * * *

[1029]

Q You testified to using a short-handled dust mop in the lounges.

A Yes. Regular dust mop.

Q Is this part of your equipment that you use every day?

A Yes.

Q Do you carry this with you when you go from floor

to floor also?

A No, this is on the main floor.

Q Just on the main floor?

A Yes. And I always leave it in my -- leave it in the lounge.

Q You testified to using a broom, a regular broom.

A Yes.

Q Is that a long-handled broom?

A Yes, long-handled, regular broom.

Q Do you use this on a daily basis in Hartley Hall?

A Yes.

Q Do you carry this with you from the second floor to the tenth floor?

A Yes.

Q In addition to the carpet sweeper?

A Yes.

Q Referring to the bathrooms in Hartley Hall where you worked for the last two years, you said it was the janitors who cleaned the bathrooms?

A Yes.

* * * * * * * *

* * * * * * * [1031]

Q Mrs. Tooks, you were asked did the janitors clean the bathrooms in Hartley Hall.

A Yes. To my recollection.

Q The record will say exactly what you were asked. My question is, when you say the janitors cleaned the bathrooms, are you talking about men cleaning the bathrooms in Hartley Hall?

A Yes.

Q How often do you see bathrooms being cleaned in Hartley Hall?

A Well, I sees them every day.

Q Every day. And what is the sex of the person you see every day cleaning the bathrooms?

A It's a male.

Q On some occasions did you see women clean the bathrooms?

A Well, no, because this is his schedule. It's just like I say, when they have a woman there cleaning the bathroom is in the summertime, you know, like when they have

45 cmsr Tooks - redirect [1032]

these different groups come in and they puts a girl there.

THE COURT: They put the maid shower in then?

THE WITNESS: Yes.

THE COURT: All right.

Q We are talking about the regular school year from September to May. Do you ever see a woman cleaning the bathrooms?

A No.

Q How many janitors work in Hartley Hall on your shift in the day?

A Only one.

Q One janitor.

A Yes.

Q And this is the same janitor you always see cleaning the bathroom?

A Yes.

* * * * * * * *

[1036]

Q Mrs. Tooks, the Court asked you about the work

offered to light cleaners for heavy cleaner pay, and you testified to light cleaners being offered wet mopping stairs, to washing elevator doors and to wet mopping elevator doors.

A Yes.

Q How did you come to learn that this work was offered to light cleaners at heavy cleaner pay?

A The girls told me, some of them, you know, told me, and around there we all talk together.

Q You did have conversations with other women being offered these tasks?

A Yes.

Q Do you know the names of these women?

A I think--I'm bad on when it comes to names.

Q You don't recall any of the names of the people that you spoke to?

A Let me see. I think Peggy Shea did it once, a couple of times.

MR. STITT: Would that be Margaret Shea?

THE WITNESS: Yes. Yes.

MR. STITT: Excuse me.

A [continuing] Just done the staircases.

Q When was this conversation with Mrs. Shea?

A Well, she was right around there with us and I was trying to remember another, I don't know.

Q Was this in the last year that you have been speaking with Mrs. Shea about being offered --

A I don't know if it was last year or -- it could have been last year.

Q Do you know whether she ever did these tasks?

A Well, she did a couple of times do the staircases because we were short of janitors.

Q Do you know if she received the janitor rate for the hours that she did that?

A Yes.

Q How did you learn that?

A Well, she said so.

Q She told you that?

A Yes.

Q Did you see in Hartley Hall when you worked there any women light cleaners, maids, light cleaners who were paid a janitor pay for wet mopping stairs, washing elevator doors or wet mopping the elevators?

A No, I didn't see none.

Q Not in Hartley Hall?

A No.

Q When you worked in Livingston Hall -- I'm sorry -- when you worked in John Jay Hall did you have occasion to see any women maids, light cleaners who were paid janitor pay

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to your knowledge wet mopping the steps, washing elevator doors and wet mopping the elevators?

A Let me see. Yes.

Q You did?

A Yes. One. But she's dead now, so forget it. I don't even want to talk about it. But it was just --

Q Mrs. Tooks, this is important now --

MR. STITT: Now, if your Honor please, I do object to that.

MISS RODENHAUSEN: I was just --

MR. STITT: Telling the witness that this is important now.

THE COURT: I will sustain the objection. Just put a question.

Q Mrs. Tooks, back in John Jay this woman who is now dead, do you know her name?

A Yes, Lena Winkle.

Q And she was a light cleaner?

A Yes, she was another light cleaner, but now she do some things, you know, and they paid --

MR. STITT: Would that be Winkler, W-i-n-k-l-e-r?

THE WITNESS: Yes.

MR. STITT: First name, Lena?

THE WITNESS. Yes.

53 cmsr Tooks - redirect [1040]

Q Did Mrs. Lena Winkler work with you --

MISS RODENHAUSEN: I'm sorry. Strike that.

Q Was Mrs. Lena Winkler in John Jay when you worked there on a daily basis?

A Yes, she was there then.

MR. STITT: May we fix the date of this event?

THE COURT: Yes. Mrs. Tooks, when did Mrs. Winkler do this work as best you can recall?

THE WITNESS: I don't know. About maybe two years ago. I don't know. I can't -- I can't pinpoint it.

THE COURT: But you do remember her doing the work.

THE WITNESS: Yes.

THE COURT: All right.

THE WITNESS: A couple of times.

Q How many janitors worked on your shift in John Jay?

A How many janitors?

Q Yes.

A Let me see. It was, I think it was two over there in John Jay --

Q Keep your voice up, please.

A Wait a minute. I think it was three. I think three. Three janitors.

Q Now, a few more questions going back to Hartley'

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Hall. One janitor worked in Hartley Hall. Are there any other janitors who work in Hartley Hall with you on your shift?

A Well, there's one works in there every day, and it's one do the steps and things, I think about twice or three times a week.

Q That is a different janitor?

A The staircase, yes.

Q You were asked whether janitors use pile lifters.

A Yes.

Q Have you ever seen a janitor move a pile lifter from place to place?

A Yes, they move them from place to place.

Q How do they move these?

A On the elevator.

Q Do these pile lifters have wheels, or do they have to lift the pile lifter to the elevator?

A I don't know, but I think they have got wheels.

Q You said you see janitors use them. Is that this one janitor who works there and the other janitor? How many people do you see using this pile lifter?

A I don't know. They gives a different one, you know, some time when they use them it's a different one

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uses them, the janitors.

Q You keep saying janitors, Mrs. Tooks.

A The men.

Q The men?

A Yes.

Q Now, at Hartley Hall which janitors use the pile lifter?

A Well now, when they use the pile lifter over there they might take one of the boys from John Jay and have them working over there, they might take the janitor from Livingston and have them working over there usually.

* * * * * * * *

* * * * * * * [1043]

Q Mrs. Tooks, you testified that you wet mopped the student rooms in Hartley and John Jay a number of years ago.

A Yes, years ago when we were servicing rooms.

Q And you did that on a regular basis?

A Yes.

Q Did you do that on a daily basis?

MR. STITT: If your Honor please, I object to the form of this question. I believe this was restricted to the summertime, and I thought we had fixed this date as being prior to the summer of 1970.

THE COURT: Well, whatever the testimony shows, it shows.

Q Did you wet mop the dormitory rooms approximately five years on a daily basis?

A Yes, when we --

MR. STITT: I object to the form of the question.

A [continuing] When we were servicing rooms we did

MR. STITT: Excuse me. I will withdraw my objection.

* * * * * * *

EILEEN V. ROBINSON, called as a witness on behalf of the Secretary of Labor, having been first duly sworn by the Clerk of the Court, testified as follows:

DIRECT EXAMINATION

BY MISS BODIAN:

Q Could you state your address for the record, please.

BEST COPY AVAILABLE

A 691 Gerard Avenue, Apartment 4-E, Bronx 10451.

Q What is your occupation, Mrs. Robinson?

A Maid.

Q Where do you work?

A SIA.

Q At --

A Columbia University.

Q And the building is SIA?

A Right.

Q When did you begin work at Columbia University?

A July 1968.

Q Was that as a maid?

A Yes.

Q Are you currently employed as a maid there now?

A Yes.

Q Which shift do you work on?

A Twelve to 8:30, night shift.

Q What areas, or what floor are you assigned to in the SIA building to clean?

A I'm assigned to the second floor.

Q Do you vacuum in your nightly shift?

A Yes.

Q Could you describe your vacuum cleaner.

A My vacuum cleaner is an upright Hoover.

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Q An upright Hoover?

A Yes.

Q What areas do you vacuum clean?

A I have a lounge and a big area for a reading room and six offices. There are some cubicles also, some cubicles. That's the amount of carpeting.

Q The lounges and the reading rooms that you just listed, how large are those areas?

A The lounge is not as big as the reading room. The reading is about the lounge is a little bigger than here and the reading room is about three times or four times bigger than here.

Q And here is about --

MISS BODIAN: Have we established that?

MR. BERKE: Your Honor, it was this case, and I performed the measurement. I believe it was something near 40 feet, but it is on the record already.

Q So you would say the reading room is approximately three times the size of this room, or more?

A Yes.

Q Is that wall-to-wall carpeting in these rooms?

A The lounge is wall-to-wall, and the reading room has an area that I have to mop, sweep-mop.

Q Do you vacuum any other areas other than on the

second floor?

A No, no.

Q Do you empty your vacuum when you're finished?

A Yes.

Q How do you go about doing that?

A Well, there's a knob there that you pull down and you have to take off the top of it and put it into a plastic bag and shake it out. This is not a vacuum that has the bag that you remove and replace.

Q So you have to use the same bag over and over again

A Yes.

Q A permanent bag.

A Yes.

Q You say you empty this into a plastic bag?

A Yes.

Q Do you also empty trash?

A Yes.

Q How much time do you spend emptying trash in one night?

A Picking trash.

Q Yes.

A About two hours.

Q How come it takes so long for you to empty trash?

A Well, the second floor is an area that students sit

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all over from the lounge to the reading room to the cubicles, there are cubicles right along the length and breadth of the building, of the floor.

Q Does anyone else work on the floor with you?

A No.

Q You have it to yourself?

A Yes.

Q How big is this floor in general?

A It's hard to say, but it's just big. Very big. I mean, it would amount to chains, I mean, square chains, because it's like some chains -- it's actually a square place and it's just too big to, you know --

Q Is one side of the building on one street and the other on another, it extends the whole block? Is that true?

A Yes, you could say that the beginning of the building is on 118th Street, that's on Amsterdam, and I think it runs down to Morningside Drive.

Q And the second floor covers that area?

A I don't know. I don't know because they have a garage, that I don't know if the garage -- I think the garage goes down, it stops a certain part, I don't know. I would say that.

Q You say you mop certain areas as well in the

[1050]

63 cmsr Robinson - direct

reading room?

A Yes.

Q What other areas do you mop?

A The rest of the floor that is not carpeted on the floor is, what do you call it, tile, or -- tile. So all that has to be covered.

Q How do you do this?

A Well, I use a ~~rag~~ mop about 20, 25 inches on a stick about 5 feet, and then you have to go and push it along right around --

Q You have a rag, mop, is it treated in any way?

A I guess it's treated, yes. I guess it's treated, yes. Yes.

Q What areas, what specific areas do you dust-mop?

A It's the library. Within the library there is the cubicles along the side and the library would be inside. And right through that area which is the cubicles and the - which is the library and the stacks, they all run together. So you would have to dust just the area, all that area.

Q How much time do you spend dust-mopping, putting together all your areas, if you can estimate?

A About two to two and a half hours.

Q Do you also dust furniture?

A Yes.

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Q Do you dust in the stacks?

A Yes, the stack has to be dusted.

Q Where do you dust in the stacks?

A The stacks, they're like shelves, they are shelves and you dust as far as your hand can reach, and certain time for your own convenience you use a small broom. I for one use a rag and wrap the broom, and I, you know, go over it, or where a stool -- the ground floor like where the shelves are empty I would use just that red mop, just the first shelf. But otherwise you have to use your hand with the mop because there are books that are stacked there so you have to go between them and get off those because some of the books are very old and they shed a lot.

Q So what is the dust like there now?

A It's like old newspapers and old books.

Q No, the dust, can you describe the dust conditions in there?

A Well, it's dusty. It's dusty.

Q Do you also wash furniture?

A Well, --

MR. STITT: I object to the use of the term, "wash".

A [continuing] Well, I, no, I wouldn't say wash.

THE COURT: Well, why don't you explore it, I

will leave that for you for cross-examination at this point. Go ahead.

A [continuing] I have a pail that I put soap in and a wash cloth and I squeeze it out. There are only some chairs anyway in the offices that the secretary sits. And there are about, I don't know how many chairs, but it's not really many chairs in there. There are a certain kind of small chairs that you just wipe down, you know. If you rest your hand on them your fingerprints are there, so you just get them off.

Q How do you carry the pail?

A I carry it in my hand because I for one go -- maybe other people do it differently, some will hitch it on the cart, but I don't carry the cart because the car swerves.

Q Swerves?

A Yes. So, you know, it's very convenient to carry it. So I pick -- I carry mine in my arm.

Q Do you carry it around your whole trip?

A Yes.

Q During the night?

A Yes.

* * * * * * * *

CROSS- EXAMINATION [1058]

BY MR. STITT:

Q Mrs. Robinson, you testified that you are employed at the SIA Building.

A Yes.

Q Does that stand for the School of International Affairs?

A Right.

Q And this is within the Department of Buildings and Grounds?

A Right.

Q At one point in your testimony I believe you were asked whether when other persons are ill or out for some reason that you are called upon to cover for them.

A Right.

Q The persons you cover for are other maids, or light cleaners?

A Right.

Q You don't fill in for janitors, do you?

A No.

Q By whom were you interviewed for the secretary's job?

A I don't know her name. It was a black woman in the personnel office.

Q When was that?

A It's before I went to SIA, so it's about two to three years.

Q Is that the person who suggested to you that the secretary's job called for less pay than you were receiving

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as a maid?

A Yes. Yes. After going in and they called down for my files from upstairs.

27 Q Are you assigned to cubicles in the library stack area?

A Yes.

Q Are you assigned to any classrooms or offices?

A Yes. It's not a matter of classrooms, it's reading rooms. It's not classrooms.

Q I see. These are rooms that you are assigned to?

A Right.

Q I believe you testified you did some work in the hallways, but that was limited to dust-mopping?

A It's like the area, it's a narrow area in the reading room.

Q And your duties include dusting tables?

A Yes.

Q And cleaning window sills with a damp rag?

A No, I don't clean any window sills.

Q Do you wipe furniture with a damp rag?

A Not all the furniture. In the reading rooms there are tables that has this white top on it and that you have to do.

Q You use a wet rag for that?

A Yes.

Q Do you spot-clean any walls?

A No.

Q Are you required to do any work that is higher than you can reach?

A No.

Q Do you empty waste baskets and ash trays?

A Yes.

Q Do you polish furniture?

A No.

Q Your equipment consists of rags and sponges?

A Yes.

Q And an upright Hoover vacuum cleaner?

A Yes.

Q And a 24-inch dust mop?

A Yes.

Q I believe you have testified that you do not use a cart.

A No, I don't use the cart.

Q You carry around your cleaning items in a bag of some sort?

A Yes.

Q Is that a shopping bag?

A I put it in a plastic bag.

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Q But do you have a toy broom ?

A Yes.

Q Do you have a pail?

A Yes.

Q Does that weigh about one and three-quarter pounds empty?

A Empty?

Q Empty.

A Yes, about that.

Q Do you carry any of your sponges or rags in the pail?

A In the pail?

Q Yes.

A No, I don't put -- I put the water and soap in the pail.

Q Can you get water on each of your floors?

A I only have one floor.

Q You only have one floor and you can get water on that floor?

A Yes.

Q Who is assigned to the lavoratories in SIA?

A The janitor.

Q That is the mens' lavoratories and the women's lavoratories?

A Yes.

Q You are not assigned to the elevators, are you?

A The elevators they run automatically.

Q Isn't it a fact that the janitors damp-mop those elevators?

A I don't know.

Q You don't do it, do you?

A Certainly not.

Q Are there stairways in SIA?

A Sure.

Q Who is assigned to the stairways?

A I don't know.

Q Do those stairways have to be wet-mopped on occasion?

A I suppose so.

Q Have you seen persons wet-mop those stairways?

A I see they dust it or use a little vacuum to pick up. I know I saw the guy once doing it.

Q Wet-mopping the stairways?

A I know I saw a guy vacuum it with a small vacuum over his shoulder.

Q In any event, when it comes to cleaning these stairways, whether it's with a vacuum or wet mop, it is the janitors who do it?

A I don't do it.

Q You don't do it.

A Right.

Q And none of the other maids do it, do they?

A I don't know.

Q Is there a lobby in SIA?

A Yes.

Q On occasion does that lobby have to be wet-mopped?

A I suppose so, if it has to be cleaned, it should be.

Q Have you seen it wet-mopped?

A I seen it clean.

Q Isn't it true that the janitors wet-mop that lobby.

A I suppose so.

Q Is that your best recollection?

A Yes.

Q You have mentioned there are carpets in this building.

A Yes.

Q Is it true that it is the janitors who shampoo those carpets?

A I have never seen any shampoo on my floor for three years. Actually it has never been shampooed.

Q I take it you have not been called upon to shampoo

these carpets?

A Certainly not.

Q Are you familiar with the term pile lifter?

A Pardon me?

Q Pile lifter.

A No.

Q Is it true that the lavoratories at SIA are cleaned by the janitors every night?

A On my floor I know they are down there every night.

Q You have no reason to believe that that isn't the case on the other floors?

A Well, it's not my problem.

Q But the lavoratories that you are familiar with are cleaned every night?

A Yes.

Q What happens to your bags of rubbish after you've finished with them?

A Well, I put it in the most convenient spot where the janitors take it.

Q Is that Mr. Harriston?

A Who?

MR. STITT: May I have the original copy of Mrs. Robinson's statement to the Department of Labor?

Q I show you the last, one of the last sentences of

78 cmsr Robinson - cross [1066]

your statement. Is there a Mr. Harriston?

A Yes, that man resigned already.

Q But he used to be a janitor at SIA?

A Yes, there are many janitors there and I mean they all take the garbage.

Q You have seen him load these bags of garbage onto a trash truck?

A They don't -- from my floor when the elevator is working they put it on the elevator and take it to the main floor, the fourth floor where they load it out.

Q Mr. Harriston pushes it out of the building?

A It's not a matter of Mr. Harriston, but I know janitors do take it.

Q Either Mr. Harriston or some other janitor?

A I know no women take it.

Q No women take it?

A Right.

Q That garbage, no matter how little or how small, has to be removed from SIA and taken to the dumping area every night; isn't that so?

A I guess, because I don't see it anywhere around.

Q How many floors are there in SIA?

A Fifteen.

Q How many laboratories are there on each floor?

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A I have never counted them.

Q There are two on your floor?

A I know there's a male and a female. That's as much as I know.

Q Have you seen women in men's lavoratories on other floors besides the second floor?

A Pardon me?

Q Have you seen men's lavoratories and women's lavoratories on other floors besides the second?

A If I'm assigned to other floors I do see them. On other floors that I have covered for.

Q What other floors have you been assigned to on occasion?

A I have not been assigned to it, but I cover which is if the person is absent.

Q I apologize. When you do work on these other floors, what other floors have you worked on in SIA?

A I have worked on the fourth and sixth which one woman covers. And if another one is out I cover on her floor, like on the fifth and the fifteenth. If another one is out -- well, that's how it goes. If you want a rundown of it, I'll just tell you.

Q The fourth floor, the sixth and the fifteenth you have worked on?

A I work on all of them if the person is out and I cover sometimes.

Q On the fourth floor are there two lavoratories?

A Yes.

Q And on the sixth are there two?

A I guess so.

Q And on the fifteenth?

A I guess so.

Q And the other floors on which you have worked there have been two?

A I guess so, yes.

Q And it is the janitor that cleans those lavoratories?

A I suppose so.

Q And they do it every night?

A I cannot say if they do it every night. I have never been in there every night so I cannot say whether they do them every night or every week or --

Q When you have been on the fourth floor or the sixth floor or the fifteenth floor you have seen janitors there cleaning those lavoratories?

A I did see them. What about when I don't see them?

Q Have you ever seen janitors strip floors?

A I don't even know what you call strip.

Q Are you familiar with the floor machine that may

be from 17 to 23 inches in diameter, a circular disc?

A Yes.

Q Have you seen janitors use those machines?

A Once in a blue moon!

Q But you have seen them.

A I guess so.

Q In that once in a blue moon, was a janitor using that machine?

A Yes, I guess so.

Q Is that your best recollection?

A Yes.

Q You have never used that machine, have you?

A Certainly not.

Q And you have never been trained in the use of that machine?

A I would never do it.

Q Have you seen the mopping equipment that the janitors use to clean these lavoratories in SIA?

A Yes.

Q Have you seen mop trucks, large pails --

A No large pail is there. As far as I see, which is when they are on my floor, I see they push a cart, they push something on wheels and the container is in there and the wet mop is in there and some toilet papers are there and

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some -- what do you call it -- little paper towels there.

Q You have seen a cart, or a mop truck that is divided into two parts, one with the cleaning solution --

A Right.

Q [continuing] -- and one with the --

A Sometimes they leave it in the hall where I'm vacuuming, too, and I have to just push it away, so it's not definitely all that terrible that you can't push it away.

Q Part of this cart is filled with cleaning solution?

A Yes.

Q And part of it is filled with rinsing solution to wring out the mops?

A With the water and pail.

Q You're not required to use that equipment, are you?

A I don't think I was assigned to do it.

Q You have never used it, have you, at SIA?

A No. They couldn't tell me to do it because I wasn't assigned to do it.

Q Have you in fact used such mop trucks in the course of your duties at SIA?

A I would decline because I'm not supposed to do it.

THE COURT: I take it you never have.

THE WITNESS: Yes.

THE COURT: All right.

Q Are you familiar with an industrial type vacuum cleaner sometimes called a wet-dry vacuum?

A No.

Q You don't use any such equipment as part of your duties, do you?

A I use an upright vacuum.

Q And not the heavy industrial type?

A I don't know about it.

Q Do you use this pile lifter that I think I asked you about?

A I don't know about it even.

Q Are you called upon to handle 55-gallon drums of cleaning solvents?

A Do I look like I could lift up one of those?

Q Your answer is no?

A Obviously.

Q By the way, how tall are you?

A Five-five and a half.

Q How much do you weigh?

A 120 normally.

* * * * * * * *

[1072]

Q Is there a time clock in SIA where you punch in?

A Yes.

[1073]

85 cmsr Robinson - cross

Q Is there a bulletin board by that time clock?

A Yes, they have something.

Q Are job openings posted on that bulletin board?

A Yes.

Q You have seen such postings over the years?

A Yes, sometimes.

Q Have you seen postings for heavy cleaner positions and guard positions?

A Yes.

Q Have you ever signed up for any of those heavy cleaner or guard positions?

A No.

* * * * * * * *

29 REDIRECT EXAMINATION

[1078]

BY MISS LIBOW:

Q Mrs. Robinson, when you say that you weigh 120

[1079]

91 cmsr Robinson - redirect

pounds normally, what do you mean by normally?

A That's my weight, 120 pounds.

Q Are you pregnant, Mrs. Robinson?

A Yes.

* * * * * * * *

* * * * * * * [1082]

GLORIA KIRKLAND, called as a witness in behalf of plaintiffs, being first duly sworn by the Clerk of the Court, testified as follows:

DIRECT EXAMINATION

BY MISS RODENHAUSEN:

Q Mrs. Kirkland, I want you to keep your voice up so we all can hear you. Okay?

May we have your address for the record?

A 657 Pennsylvania Avenue.

Q Okay. And will you state your sex for the record.

A Female.

THE COURT: Pennsylvania Avenue, where?

Q In what county is that?

A In Brooklyn.

Q Would you state your sex for the record.

A Female.

Q What is your occupation, Mrs. Kirkland?

A Maid.

Q Where do you work?

A SIA, Columbia University.

Q When did you start working in Columbia University?

A 1967.

Q Have you worked in any other buildings besides SIA?

A Yes, I used to work in Hughes Hall and several other buildings for a short time.

Q Can you tell us the names of any of these other buildings?

A I worked in Butler for about a week and I worked in the Law School for about a week and other buildings like three weeks, three months, and then I'm assigned to SIA now.

Q Are these other buildings on the Morningside Heights Campus of Columbia?

A Yes.

Q What are your duties in working in SIA, Mrs. Kirkland?

A My regular work is to vacuum, dust, take finger-prints off the walls and the floors, do the window sills.

Q Are you assigned to certain floors?

A Take the trash -- pardon me?

MISS RODENHAUSEN: I'm sorry. Could you read what the witness stopped answering?

[The answer was read.]

Q Mrs. Kirkland, would you continue with your duties? I'm sorry I interrupted.

A Yes. Pick the trash, empty the ash trays, wash them. That's it.

Q Are you assigned to certain floors in the SIA building?

A Yes, seven and eight, eleven and twelve.

Q Do you do all these floors each night?

A No, I work two floors each night.

Q Which floors did you work last night?

A I worked four floors last night.

Q Is that different from what you regularly do?

A Yes, when someone is out you have to cover for the next person.

Q Did you work the night before that?

A The night before I worked two floors.

Q What did you do on those floors?

A I vacuumed the regular routine, picked the trash, emptied the ash trays.

Q What kind of rooms do you clean on these floors?

A Pardon me?

Q What kind of rooms do you clean on these floors?

A Offices, classrooms, student lounge, reading rooms.

Q On the seventh floor about how many offices are

97 cmsr Kirkland - direct

there on that floor?

A I think on one side you have about eleven floors -- rooms, pardon me -- and the other side is about the same. Then you have a large student lounge and I think one classroom, I'm not certain.

Q What about on the eighth floor?

A On the eighth floor it's about the same, about the same offices. You have eleven offices on one side, and I think you have the same eleven on the other side, and you have about eight or the, you know, from one section to the other you have about eight rooms over there.

Q Do you find that same room layout on the ninth and tenth floors, also?

A It's almost the same thing. It's almost.

Q Do you clean the floors on these floors?

A No, I don't really clean the floors when I work the four floors. I pick the trash, empty the ash trays when I work four floors. But when I work two floors I have to do everything.

Q Are these floors carpeted or they tiled?

A Carpeted.

Q What do you use to clean the carpets?

A Vacuum.

Q Approximately how much of your shift do you spend

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vacuuming?

A Well, it's hard to tell because we don't do the same thing the same place every night. If you go on the floor and if it's not necessary to vacuum, you don't vacuum. If it's necessary you go ahead and vacuum.

Q Do you take your vacuum with you from room to room?

A Yes, from floor to floor.

Q Do you want to describe your vacuum cleaner for us?

A It's an upright vacuum. I don't remember what name.

Q Did you ever pick it up?

A Sometimes you have to.

Q When is that?

A If you are in a room and if a board or anything is there you can't run it on the board and I have to pick it up just over the board. Or if you are getting off the elevator and to get off fast, you pick it up and get out.

Q Do you vacuum every night or on and off?

A Every night, but not the whole area every night.

Q Do you ever use a dust mop?

A No, not on the floors because it's carpet.

Q Do you have any other equipment in addition to this vacuum?

A You have a little dustpan and a broom.

Q Do you pick up any trash?

A Yes, I pick up trash.

Q Do you pick up trash every day on your shift?

A Every night.

Q Every night on your shift?

A Yes.

Q Where do you pick the trash up from?

A From the offices, the classrooms, every area has trash.

Q Do you accumulate the trash?

A Accumulate it in the bag, and when the bag is filled put it by the elevator and wait for the janitors to take it.

Q Approximately how many bags of trash do you fill on each floor?

A Well, it all depend. In the area some nights it's more, some nights it's less. From one to four to --

Q Do your tasks change at all during the summer season?

A Not really. You do a little less vacuuming in the summer season because you don't have so many classes. The classroom is really, you know, bad when there's classes, but in the summertime you have a little less vacuuming to do

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Q Has that changed your time that you have?

A No, because you cover the area that you could get to when you don't have all that vacuuming to do. You have to wash the -- take the fingerprints off where you couldn't get to, you do the window sills that you couldn't get to. You dust the window sills sometimes. In the summertime you wash them to keep them clean, get it in shape.

MISS RODENHAUSEN: I have no further questions, your Honor.

THE COURT: Are there any questions from Plaintiff Walker?

MISS GOODMAN: No questions, your Honor.

THE COURT: All right, Mr. Stitt.

CROSS-EXAMINATION

BY MR. STITT:

Q Is it Mrs. Kirkland?

A Yes.

Q I believe that during the course of your direct testimony you stated that on occasion you cover for other persons.

A Yes.

Q When they are out ill?

A Yes.

Q When you say "cover for other persons", you mean

other maids, or other light cleaners?

A Other maids.

Q You don't cover for janitors or heavy cleaners?

A No.

Q Is it true that you are assigned to four floors which you work on on an alternate schedule basis?

A Yes.

Q And you are assigned to classrooms and offices and reading rooms?

A Yes.

Q And a lounge, I believe you mentioned?

A Yes.

Q Do you do any work at all in the hallways?

A Well, what you call hallways, like the offices is on this side, offices is on this side and the cubicle is in the middle, that you have got to do around there.

Q All right. You do a cubicle but a hallway or a corridor, are you assigned to do anything in those corridors?

A Not the big corridor in front of the elevator, no.

Q And you had testified that your duties include dusting tables?

A Chairs.

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Q Do you keep this plastic pail in the cart?

A Yes.

Q Also your sponges and your rags?

A Yes. Soap.

Q And your soap?

A Yes. Plastic bags.

Q You keep those in the cart also ?

A Yes.

Q Do you have a toy broom?

A Yes.

Q I believe you testified that you don't have a dust mop.

A No, I don't use a dust mop.

Q Your vacuum is an upright Hoover type household type vacuum?

A Yes, but it's heavier than a household vacuum.

MR. STITT: I move to strike that.

THE COURT: Strike that out.

Q Give me your best estimate as to the weight of the upright vacuum that you use.

A Well, I'm not good in judging weight, but I know it's pretty heavy.

MR. STITT: I move to strike "pretty heavy."

THE COURT: Strike that.

Q Give me your best estimate in pounds.

A It's hard for me to answer that. I don't know the weight of the vacuum.

MR. BERKE: Your Honor, at this point I believe the question asked was, is it --

MR. STITT: Your Honor, the witness has just testified that she does not know.

THE COURT: I will not take this argument in the presence of the witness. If you want to come around to the side bar I'll hear you.

MR. STITT: I would rather not. I wish to proceed on another line of questioning, your Honor. The witness has just testified that she does not know the weight.

THE COURT: Well, this is on another subject, Mr. Stitt. I will take this.

[At the side bar:]

MR. BERKE: Mr. Stitt asked if this was a household type vacuum, and the witness answered no, it's heavier, and so actually she answered, yes, it is a household type, but it's heavier, but what she is saying is --

THE COURT: No, the reason I sustain the objection is nowhere in this record do we have any definition of what is meant by household type. I have in my household three different types of vacuum cleaners, and each one of them

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weighs a different amount and, therefore, the question elicited nothing was worth anything, so I sustained the objection, and I sustain it still.

[In open court:]

THE COURT: Go ahead.

BY MR. STITT:

Q Is there any other equipment that you use in your job?

A No.

Q Who is assigned to the lavoratories in SIA?

A I think one of the janitors, Antonio.

Q That is another janitor?

A Yes.

Q These are men's lavoratories and women's lavoratories?

A Yes.

Q Are they located on each floor of SIA?

A Yes.

Q Have you been inside any of these lavoratories?

A The ladies' room.

Q All right. Can you tell us how many commodes there are in the women's rooms that you have been in in SIA?

A Two. You have two toilets and two wash basins.

Q Does that hold true for all of the women's rooms

that you have seen?

A I don't know. I don't know for those on the other floors, but the floor that I work on.

Q For those you have seen two commodes per John?

A Ladies' room, yes.

Q It is the janitors who clean these lavoratories?

A Yes.

Q They do that every night, don't they?

A Yes.

Q Are the janitors assigned to the elevators?

A Yes.

Q Do they wet-mop those elevators every night?

A I don't know.

Q In any event whenever they are required, these elevators require wet-mopping, the janitors do it?

A Yes.

MISS RODENHAUSEN: Objection.

THE COURT: On what ground?

MR. STITT: The question has been answered, your Honor.

THE COURT: On what ground?

MISS RODENHAUSEN: The prior question the witness testified she didn't know.

THE WITNESS: I said I don't know.

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MISS RODENHAUSEN: I'm objecting to the next question Mr. Stitt just asked.

MR. STITT: Your Honor, I am entitled to press a witness on cross-examination.

THE COURT: Well, in this case I will overrule the objection. Go ahead.

Q Are the janitors assigned to the stairways?

A I guess so.

Q Is that your best recollection?

A Yes.

Q On occasion do these stairways require wet-mopping?

A I guess so.

Q Have you seen janitors do that on occasion?

A No, I don't see the janitors working unless they come on my floor.

Q In any event, asssuming that these stairways have to be wet-mopped on occasion it is the janitors who do it, not the --

MISS GOODMAN: I object, your Honor.

THE COURT: I will sustain that. In any event, it isn't you that does it; isn't that right? You don't do the --

THE WITNESS: I don't know, I don't see the janitors when they're doing the work unless they come on the

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floor when I'm working.

THE COURT: In any event, you don't do the wet-mopping.

THE WITNESS: No.

THE COURT: All right.

Q What happens to the trash after it is removed from your cart?

A I put it by the elevator and the janitor takes it from there. By the elevator door, and the janitor takes it from there.

Q How do you remove it from your cart?

A I have to pick it up out of the cart.

Q You pick it up and you leave it there?

A Pick it up and put it to the elevator door.

Q Then the janitor takes care of it after that?

A Yes.

Q Does he come around with a trash truck?

A He takes it down on the elevator to the fourth floor, I guess.

Q You have seen him do that?

A I know he do it, but I don't watch him doing it every day.

Q Does there come a time when he takes it down to the basement?

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A I don't know.

Q Have you ever seen a janitor push a trash truck out of SIA with garbage?

A No.

Q Have you ever been required to perform any such task?

A No.

Q Is it true that garbage and rubbish has to be removed from SIA every night?

A Yes.

Q And isn't it true it is the janitors who do that task?

A After we put it by the elevator door they takes care of it.

31 Q And they do it every night?

A Yes.

Q Isn't it true that there is wet-mopping going on in SIA every night?

A I don't know.

MISS GOODMAN: Objection, your Honor. I think --

THE COURT: No, the answer is, I don't know.

Q Have you ever seen floor stripping being performed at SIA?

A Not directly. I know it's been done, but I don't

see it. Never see it done, because I work on the floors that carries rugs, and these floors that they have to strip I don't work on that floor.

Q Have you seen the machines that are used for the stripping?

A Occasionally.

Q It is the janitors who use those machines?

MR. BERKE: Objection; she just testified she has never seen it being done.

MR. STITT: I will withdraw the question.

Q In any event, you aren't required to use these floor machines, are you?

A No.

Q You have never been trained in the use of these floor machines?

A No.

Q Have you ever seen these machines being used to shampoo carpets?

A No.

Q In any event, you don't use them for that task?

A No.

Q Have you ever seen the mopping equipment which janitors use to clean the lavoratories at the various floors?

A Yes.

Q Are these trucks which are divided into two solution areas?

A Say yes. It has a bag at the back and a portion in the front where they keep the pail and the mop.

Q You don't use those trucks?

A No.

Q Are you required, do you use ladders in the course of your duties?

A No.

Q Do you use wet-dry industrial type vacuum cleaners? Are you familiar with such a type of vacuum cleaner?

A I use a regular vacuum cleaner that vacuum the rugs.

Q Are you familiar with the type of cleaner known as a pile lifter?

A No.

Q In any event, the vacuums that you use are the upright type?

A Upright.

Q And you are not required to handle 55-gallon drums of cleaning solvents?

A No.

Q Or carry ladders around?

A No.

Q You are only required to spot-clean the walls as

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high as you can reach?

A Yes.

Q Mrs. Kirkland, may I ask you to give us your height and your weight, please.

A Five-nine, I think I weigh about 181 now.

* * * * * * * *

[1101]

Q On that wall near that time clock have you seen job postings, job openings listed?

A Seldom. Sometimes.

Q Have you seen postings for openings for heavy cleaner and guard?

A Yes.

Q Have you ever applied for any of those jobs?

A No.

* * * * * * * *

REDIRECT EXAMINATION [1102]

BY MISS RODENHAUSEN:

* * * * * * * *

Q The rooms that you clean in SIA, are they locked?

A Yes.

Q Do you have keys to these rooms?

A Yes.

Q Does the janitor have keys to these rooms?

A Yes.

Q Do you each let yourselves in to empty the trash?

A Pardon me?

Q Do you open the door -- strike that.

Mrs. Kirkland, do you vacuum in other buildings besides SIA?

A Yes.

Q Is the vacuum you use in this building the same as the kind as you use in SIA?

A Yes.

Q Do you know the brand of that vacuum?

A I don't really remember.

Q Is it an upright vacuum?

A Yes.

Q Can you tell us in what ways this vacuum differs from the vacuums you have used?

MR. SIITT: May we specify which vacuum, the present or the former?

THE COURT: May we have a description of each, please

A Well, it's the same upright vacuum. Maybe it's a different name brand, but it's the same upright vacuum.

Q Do janitors in SIA use the vacuum cleaner?

A Yes.

MR. STITT: I object -- I will withdraw it.

THE COURT: Overruled.

Q Have you seen the kind of vacuum that they use?

A Sometimes they use the same upright vacuum that I use, and sometimes to do the corridor they use a vacuum that you pull along. It's a big vacuum that you pull along. It's on wheels.

MISS RODENHAUSEN: Thank you.

THE COURT: Is there any recross-examination?

RECROSS-EXAMINATION

BY MR. STITT:

Q This big vacuum on wheels that you have just said the janitors use on occasion on the corridors, have you ever been required to use that vacuum?

A No.

* * * * * * *

* * * * [1106]

AUGUSTO C. PERALTA, called as a witness in behalf of the plaintiffs, having been first duly sworn by the Clerk of the Court, testified as follows:

DIRECT EXAMINATION

BY MISS RODENHAUSEN:

Q Mr. Peralta, will you state your address for the record.

A 1439 Bryant Avenue, Apartment 3, Bronx, New York.

Q Will you state your sex for the record, please. Just for the record, will you state your sex.

A Male.

Q What is your occupation, Mr. Peralta?

A Heavy cleaner.

Q Where do you work?

A Mudd Building, Columbia University.

Q Who is your employer?

A Columbia University.

Q When did you first start working at Columbia

University?

A March 10, 1970.

Q Which buildings have you worked in during the course of your employment at Columbia?

A First in Uris Hall. Then the library for four months, and from there I have been working off campus for about four years. And now in Mudd Building.

Q What are the buildings where you worked for that four-year period? What are their addresses?

A Off campus? 535 West 112th Street.

Q How long did you work there?

A A little more than one year.

Q Then where did you work?

A Then I went to work at 614-616 West 116th Street for about three years.

Q At West 116th Street, Mr. Peralta?

A Yes.

Q Mr. Peralta, I show you Plaintiff's Exhibit 101, and would you please look on that map of the -- and put an "X" where these buildings are located. [Handing.]

A These buildings were located here -- each one?

Q No, just where the 610-614 building is located.

A Right here. [Indicating.]

THE COURT: Are there other "X's" on this exhibit?

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MISS RODENHAUSEN: No. Let me -- no, there are not.

Q How long did you work at 614-616 buildings?

A Just about three years.

Q Tell us what your work schedule, what your work duties were in that building on the 614.

A My schedule work was to take the garbage out, empty, you know, the baskets, dust the furniture, vacuum all the rugs because we have rugs in every room in there, and take care of the bathrooms, and later in the morning take the garbage out to the street.

Q How many floors are in this building at 614?

A Four floors in each one. 614 and 616 I was working in two.

Q What kind of equipment do you use to clean these areas in 614?

A Vacuum cleaner, upright vacuum cleaner.

Q Is that the household kind of vacuum cleaner?

A The same one like everybody has in the house. Like these Hoovers.

Q What other kind of equipment do you have?

A I have the one I was using, I remember the brand is Eureka.

Q That is the name of the vacuum cleaner?

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A Eureka.

Q What other equipment did you have, Mr. Peralta?

A A mop besides the vacuum cleaner, a vacuum cleaner, brushes, brooms, high dusters.

Q What is a high duster?

A A high duster is something to take the dust from the walls where you can't reach with your hands.

Q Did you ever use the ladder to reach those spots?

A No.

Q How do you carry this equipment? Do you take this equipment from floor to floor?

A Floor to floor.

Q Do you have a cart?

A No, because I have to walk the steps.

Q Do you take this equipment with you?

A Yes.

Q Or is there equipment on each floor?

A I leave the equipment on the first floor and take, when I need something, I go downstairs, I take whatever I need to work with.

Q You say there are four floors in this building No. 614. How many rooms are there on each floor?

A Three rooms

THE COURT: This is West 112th Street?

MISS RODENHAUSEN: Building No. 614 and Building No. 616 which the witness marked on the map on West 114th Street.

THE WITNESS: West 112th Street.

MISS RODENHAUSEN: West 114th Street is marked on the map.

THE COURT: All right. That is between Broadway and Riverside Drive, is that right?

MISS RODENHAUSEN: That's correct.

THE COURT: All right, go ahead.

BY MISS RODENHAUSEN:

Q How many rooms are there on each floor in this Building No. 614, Mr. Peralta?

A Three rooms.

Q Three rooms a floor? That's twelve rooms a building?

A Right.

Q You say you cleaned the bathrooms in this building. Would you describe the bathrooms?

A There were three bathrooms on each floor. Small bathroom like in private houses.

Q How many toilets are there in each of these bathrooms?

A One toilet. One bathtub. And one wash bowl.

123 cmsr Peralta - direct

Q How do you clean the bathrooms?

A Well, I had to clean that using --

THE COURT: Do we need this?

Q Do you use a wet mop in these bathrooms?

A Yes.

Q Do you use a wet mop in any other place in the building in No. 614?

A Only in the bathrooms because I have carpeting everywhere.

Q And you clean the carpet, what do you use for that?

A Only the vacuum.

Q Do you ever have to move furniture in these rooms that you clean in No. 614?

A When you say moving furniture you mean taking from one place to another, or within the room?

Q Do you ever move furniture from one place to another

A No.

Q Do you move furniture within the room?

A Within the room.

Q What are the pieces of furniture that you move within the room?

A Small tables.

Q Chairs?

A Chairs, small tables.

Q Do you do anything else in 614 building?

A Well, from time to time change one light bulb with another.

Q How do you change these light bulbs?

A Always I take when I can't reach with my hands, I never climb anything to change.

Q Do you ever change the long fluorescent tubes?

A No.

Q Is there anything else that you do in this building?

THE COURT: May I ask Mr. Peralta how those get changed if they are higher than you can reach, are they just left burned out?

THE WITNESS: They have people usually during the day that go from place to place when they call them.

THE COURT: I see. Thank you.

Q When you are through cleaning 614 building where do you go next on your shift?

A 616.

Q What do you do in 616?

A Exactly the same thing, because are similar buildings.

Q 616, Mr. Peralta, do you use a dust mop there?

A No.

Q You never use a dust mop?

A Never.

Q Do you use any dust rags?

A Yes.

Q Do you use a pail?

A Pail.

Q How big is that pail?

A Regular ones, about 13, 14 inches high and about 12 inches diameter.

Q Do you ever use a hand truck in these two buildings?

A No.

Q Have you ever used a platform truck?

A No.

Q Have you ever been called upon to move a 55-gallon drum of cleaning fluid?

A When I was working in there?

Q While you were working there.

A In 614, no.

Q And you worked there for three years, is that right, Mr. Peralta?

A Yes.

Q Were you ever called upon during these three years to move trash trucks containing garbage?

A No.

Q Have you ever used a wet-dry vacuum cleaner?

A No.

Q Before you worked at 614 and 616 West 114th Street you worked at 535 West 112th Street; is that correct?

A Yes.

Q What were your duties in that building?

A Well, substantially the same work, except I never used a vacuum in there because I didn't have any rugs.

Q Was it your assignment to clean the floors?

A Yes.

Q How did you clean the floors?

A Dust mop and wet mop.

Q How often would you dust-mop?

A Every night.

Q How often would you wet-mop these floors?

A Every night, but not every night the same room. I used to do that by part. Starting from the top floor going down one night I mop one or two floors, then the other night one or two more.

Q How many floors are there in this West 112th Street building?

A Six floors.

Q About how many rooms per floor?

A Six per floor.

Q How much time in your shift there would you spend

wet-mopping, approximately?

A About two and a half hours every night.

Q While you were working at West 112th Street did you ever wax floors?

A Yes.

Q How often did you do that?

A How often I do that? I did that about four times a month.

Q How did you go about waxing the floors?

A Pardon me?

Q How did you wax the floors?

A Using a similar mop that you use for wet mop. You use a bucket, you throw the mop inside, squeeze it and just apply. Like mopping.

Q Did you ever use a machine to wax the floors in that building?

A Never.

Q How did you get your supplies from floor to floor in the West 112th Street building?

A By elevators.

Q There is an elevator in that building?

A Yes.

Q During the year that you worked at West 112th Street building did you ever use a mop truck?

A No.

Q Did you ever use a platform truck?

A No.

Q Did you ever use a hand truck?

A No.

Q Did you ever have occasion to use step ladders in that building?

A Just once.

Q How big is that step ladder?

A That was about ten steps.

Q Would you say it was fourteen feet high?

A Fourteen is too big. About something this high. [Indicating.]

MISS RODENHAUSEN: Let the record reflect, will you stipulate, Mr. Stitt, about six feet?

THE WITNESS: That's not six feet, I'm not six feet.

Q Between five and six feet?

THE COURT: He said six feet, apuroximately.

THE WITNESS: Just in between.

Q During the year that you worked at this West 112th Street building were you ever called upon to move 55 gallons of cleaning fluid?

A No, because we always use the small tanks, five

gallon tanks.

Q Five-gallon tanks. How often would you have -- when you say you use the five-gallon tanks, what do you mean by that, Mr. Peralta?

A Our supplies never go there on the big drums, just on five gallons.

Q How long does a five-gallon drum last you?

A In there? Well, the soap will last -- the detergent for the bathroom will last about one month and the wax a little more.

Q Do you get these five-gallon cans once a month or every week or every day?

A No. Once a month. Every two months. All depend on the use you have in there.

Q Mr. Peralta, before you were employed by the University had you ever used a floor machine to clean floors?

A No.

Q Had you ever been a cleaner before working at Columbia?

A Pardon?

Q Had you ever been a cleaner before working at Columbia?

A No.

Q Or a janitor?

A No.

Q Did you fill out an application for employment at Columbia?

A Yes.

Q Were you asked to indicate any prior experience?

A No.

Q When you first started working at Columbia did you receive any instructions on use of the floor machine equipment before starting work?

A On the second night I was working there one of the supervisors, Mr. Jackson explained to us how to use it. Then he let us use it to try it.

Q When you say "us", that is you and --

A And five others.

Q And Mr. Jackson, did he stay with you during the course of the first night?

A Yes, he worked there.

Q For how many nights did Mr. Jackson remain with you?

A Just the first night, after that he was just working around watching if we were doing the right thing. Because otherwise we were with somebody who was experienced.

Q For how many days were you with someone with more experience?

A The full two weeks.

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MR. STITT: May I have that answer read back?

THE COURT: You may.

[Answer read.]

BY MISS RODENHAUSEN:

Q What kinds of machines were you shown to use during this two-week period?

A Clark floor maintainer.

Q Were there other kinds of machines that you used during that period?

A I didn't use any other. I never saw any other there. It was the same machine for two weeks.

Q Did each of you working there have a machine or did you switch off? Tell us how that period went for the first two weeks.

A Well, maybe I was working the first part of the night, another guy take the machine for the other part of the night.

Q Did you receive any written materials about the machine and how it worked at that time?

A No.

Q After you were shown how to use the machine by Mr. Jackson, is that right? What did he show you how to do with it?

A How to adjust the lever handle, where to press to

make the machine work, and how to keep the machine steady. No moving like from one to another side.

Q Were you watching him while he was showing you this?

A Yes.

Q How long did it take him to show you that?

A A question of minutes. Not too long to do that.

Q What did you do after that?

A Start working with the machine.

Q Could you control the machine?

A Yes.

Q Did Mr. Jackson then show someone else how to use it, or did you keep using it? Tell us what you did after that point with the machine.

A Well, they just inspect what you do, you know.

Q Was Mr. Jackson holding onto the machine with you?

A No, I hold that one myself.

Q Did there come a time when you could operate it by yourself?

A In about fifteen minutes I was operating it by myself.

Q Did you continue operating it that night?

A Yes.

Q What were the other fellows doing while you were

operating the machine?

A While somebody is working with the machine, the others have to work with the mops. They have to pick up the dirty water and rinse the floor.

Q Did you relinquish the machine at some point to let somebody else try using it?

A No, I keep working and the other guys work in front of me. They pass over what I did before. The dry floor. They have to dry the floor completely.

Q What about the second night that you went back to Uris, were you shown again how to use the machine by Mr. Jackson?

A I knew how to do that already. I work doing some [illegible] else, you know.

Q When was the next time after the two-week period in Uris that you used the machine, Mr. Peralta?

A It was in Butler Library. That was about four weeks later.

Q How long were you in Butler?

A Four months.

Q For a month?

A Four months.

Q How often did you use this machine in Butler?

A During the month of May almost every night. Later

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maybe just once a week.

Q When you were using the machine in Butler were you sweeping floors with it, were you buffing with it, were you shampooing rugs? Tell us what --

A No, stripping the wax off.

Q Stripping the wax. And did you receive any increase in pay for stripping the wax?

A Not at that time, because that came in the other contract that was signed on July 1st, 1970.

Q After working in Butler did you use the machine again in another building after that?

A After Butler?

Q Yes.

A Yes, on 112th Street.

Q When did you have occasion to use the machine on 112th Street?

A How many occasion?

Q Mr. Peralta, after working in Butler did you then use a floor machine in any other building?

THE COURT: He said he used it at 112th Street. I thought your question was what occasioned him to use it there.

Q Had you had occasion to use it at 112th Street?

A Yes, I use it.

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135 cmsr Peralta - direct

Q When was that?

A Well, I cannot tell you when. During the period I was working there I use it about twenty times.

Q About twenty times?

A Yes. During that year.

Q Did you receive pay in addition to your janitor's rate for using it in those times?

A Yes. At that time, yes.

Q Have you had occasion to use the machine since working at 112th Street buildings?

A I used that again in September in the Dutch House and the French House.

Q When you use it what are you doing with it?

MR. STITT: May we have that last answer read back.

THE COURT: The Dutch House and the French House.

MR. STITT: Your Honor, I wonder if we might have those located on that map that I believe is in evidence.

THE COURT: Yes.

Q Mr. Peralta, I will show you Plaintiffs' Exhibit 101. Would you look at that and put a letter "Z" where the Dutch and French Houses are? [Handing.]

A This is the Dutch House and the French House. [Indicating.]

Q Would you make that a "Z", not an "X".

A Oh, "Z". You want the number?

Q No, that's fine.

MR. STITT: I believe the witness has put a "Z" on the French House and a "Z" on the Dutch House.

THE COURT: Where are these located in terms of street and approximate location?

THE WITNESS: The Dutch House is in 548 West 113th Street, and the French House is on 560, same street.

THE COURT: I see. This is between Broadway and Riverside Drive?

THE WITNESS: Between Broadway and Amsterdam.

THE COURT: All right.

MISS RODENHAUSEN: I have a number of copies of the map if you wish to keep this, your Honor.

THE COURT: No, that's all right.

BY MISS RODENHAUSEN:

Q When you used the machine in the French and Dutch House were you stripping the floors, buffing or shampooing rugs with the machine?

A Stripping the wax off.

Q Did you receive a rate of pay in addition to your janitor rate when you used it?

A Right.

Q Have you had occasion to use it after working the

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French and Dutch House in another building?

A If I use the machine after?

Q Yes.

A Well, the Mudd Building.

Q Is that where you work now, Mr. Peralta?

A Where I'm working now.

Q What kind of machine do you use in Mudd?

A The Clark floor maintainer.

* * * * * * *

[1127]

Q Mr. Peralta, I place Plaintiff's Exhibit No. 118 before you and I ask you to tell the Court how you operate the Clark machine when you use it in Mudd. [Handing.]

140 cmsr Peralta - direct

Tell us how you start it, what do you do with the machine, how it works.

A The first thing we have to take the machine to the place where we are going to work.

Q How do you do that?

A We take it from the basement to any floor that we are going to, by elevator. Then we prepare the floor, we have to wet the floor with soapy water, depending on the kind of floor you put more soap or less. After that you place the scrubbing pad on the floor and place the machine there. Plug the machine in, adjust the handle to your height, just about the waistline, and when you depress the touch lever you have the machine running right away.

Q How do you adjust it to your height?

A Depressing the lever, as you see down here [indicating], you depress this lever and you can move it up or down.

Q Are you referring to the lever called the die casting locking slide-in lever?

A Right.

Q You depress that lever?

A You depress that lever up and then you can move it, as a matter of fact, up and down.

Q Did you learn how to do this when you first start

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work?

A Yes, this is the first thing you learn. If you don't, you can't use the machine.

Q How long did it take you to learn to push that lever, Mr. Peralta?

A Just as long as I touch it.

Q After you touched that lever, you adjusted it to your height. What do you do next? How do you get the machine to start?

A Pull the lever back to keep this without moving.

Q When you say "this", what are you pointing to, Mr. Peralta?

A Well, to the shaft. To keep the shaft without moving. Then you have the machine ready to work after you plug it.

Q After you put the plug in, does the machine start right then or do you do something else?

A The machine starts right there and I move where I want to move the machine depressing the shaft up to move the machine to my left and down to move it to my right.

Q How do you control the machine when you are pressing a lever and it's going from right to left? How do you control it?

A Well, you have to do that because I explained to

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you, you can't do nothing because if you depress the lever so fast the machine will move so fast that you will go running with it. You have to go, you know, you have to learn to do that slowly.

Q Were you ever pulled with the machine?

A No, never. Because I was afraid.

Q Because you were afraid?

A Of course. That was the first time I did that.

Q What did you do?

A And then I moved so slowly, you know. So now I know how I can move it.

Q Did the machine ever run away from you?

A No.

Q Can the machine run away without you holding onto it?

A No, because the machine runs away I have to let it go, and when I let it go, the switch will be off and it won't work any more.

Q And the machine stops?

A Stop right away.

Q How do you move the machine from place to place when it's not turned on?

A Using the wheels. They have two wheels in the back.

Q You roll it along?

A Roll it.

Q What kind of plug does the machine have, Mr. Peralta?

A The electric plug?

Q Yes.

A Those are three contacts.

Q Have you ever got a shock when you plugged it in?

A No, always I use rubber gloves.

Q Have you ever had to change the pad on the bottom of the machine or prepare the machine in any way before you would use it?

A No. We don't have to prepare the machine. The machine is always ready to work.

THE COURT: No, the question had two parts: One had to do with changing the pad, and I think the witness has already indicated that in order to change the pad you have to rock it back on its wheels; is that right? Then you put a different pad underneath it and --

THE WITNESS: Put the pad underneath and you just let the machine come down.

THE COURT: And you have done that, haven't you?

THE WITNESS: Yes.

THE COURT: Very good.

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* * * * * * * [1133]

THE COURT: No, no. What else did they tell you? What else did they tell you, Mr. Peralta?

THE WITNESS: About my job?

THE COURT: Yes, in personnel, in this personnel interview, what else did they tell you?

THE WITNESS: Well, they explain to me that that was not a very clean job, it was a dirty job because I would have to be doing something with water, dirty water, mops. And I agreed taking the job, I say I don't care about that, I want a job, that's all.

THE COURT: Did they say anything else to you?

THE WITNESS: They say fill this application. I

filled it, and that's it. After that Mr. Ackroff interview me and they call me about two weeks later, or one week later, I don't remember exactly.

* * * * * * * [1136]

CROSS-EXAMINATION

BY MR. STITT:

Q How old are you, Mr. Peralta?

A Right now, 44 years.

Q Could you give us an estimate of your educational background.

A In the Dominican Republic I was studying in the University and I was a whole year in civil engineering.

Q How many years of civil engineering did you take?

A Four.

Q Four years. When did you finish that course of study through that level?

A That was in 1955.

* * * * * * *

[1138]

Q You just had these two different jobs between 1961 and 1970?

A Three different. Factory, Cockneytronics and Columbia. But different factories, you know. No just one.

Q Was some of that manual work in the factories?

A Some manual work.

* * * * * * *

A I worked for awhile in a factory, we were making chairs for the beach.

Q Did you help make those chairs?

A I was perforating the pipes.

THE COURT: Perforating the pipes? Making holes in the pipes?

THE WITNESS: Making holes in the pipes.

Q This was work with machines that you did?

A Yes, power press machines.

Q With this background in engineering, four years at the university level plus factory work, you came to Columbia in 1970; is that right?

A 1970.

Q After you were accepted as a heavy cleaner with Columbia you were assigned a trainer?

A I was assigned to -- for two weeks in Uris Hall.

Q During that period you were being trained by Mr. Jackson?

A Mr. Jackson, yes.

Q Do you recall his first name?

A No.

MR. STITT: May we mark this document?

THE WITNESS: He is the only Jackson I know there.

MR. STITT: All right.

152 cmsr Peralta - cross

[Defendant University Exhibit M marked for identification.]

BY MR. STITT:

Q He gave you on-the-job instruction with regard to heavy cleaner duties?

A Yes.

Q That included work with the Clark floor machine?

A Yes, sir.

Q Did that include training with regard to the various attachments that go into the bottom of that machine?

A No.

Q That wasn't taken up during your training period.

A I never saw, only to put the pads, that's all.

Q You were shown the various parts?

A No, the parts of the machine, no. But the pad to do the scrubbing, that's the only thing I put and take out.

Q Did you ever use that machine to shampoo carpets, for example?

A No.

Q Did you catch on quickly to the job of heavy cleaner?

A Yes.

* * * * * * * *

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[1143]

Q What was the first building you were assigned to after your training period had completed?

A Butler Library.

Q What shift were you on at Butler Library?

A Same shift always, midnight to 8:30.

Q What did you do at Butler?

A Almost everything.

Q You have told us you have done floor machine work at Butler.

A Floor machine, take care of the bathrooms.

Q Do you clean the public lavoratories at Butler?

MISS RODENHAUSEN: Objection to the word "public".

Q Did you clean the men's lavoratories at Butler?

A Yes.

Q Did you clean the women's lavoratories at Butler?

A Yes.

Q What equipment did you use during the course of those duties?

A Well, in Butler they use a big cart with two parts, one with water, and two mops and a bucket with brushes and some detergent, and with the bucket and brushes we clean the toilets, the wash bowls, and we use the mops for the floor.

Q You did this with a co-worker?

A No, by myself.

Q How many Johns did you do on a shift at Butler?

A How many?

Q How many?

A How many?

Q How many of these lavoratories did you clean on a shift?

A On a shift? We were doing the women's, there was -- about, well, I don't remember exactly, it's so long, but about eleven or twelve

Q How many toilets in each John?

A Some are bigger, depending the floor.

Q Give me the range, the minimum range and the large range.

A Small three, the large about six.

Q Were there other heavy cleaners assigned to this task at Butler?

A Yes, another one was doing the men's rooms.

Q Was that Mr. Cordero or Mr. Amaro?

A No, Cordero was doing the women's, but when he was on vacation I did for him.

Q Were any maids or light cleaners assigned to those lavoratories at Butler, these public lavoratories?

A No, not at that time.

Q Were there any women at Butler operating these floor machines that you have told us about?

A No, sir.

Q Did you ever help push the garbage out of Butler?

A Yes, sir.

Q Did you ever push a truck out by yourself?

A Yes, sir.

Q Loaded with garbage?

A Yes, full. Completely full.

Q Is that done every night at Butler?

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A They used to do that in the morning, about, just before eight, before they collect the garbage around there. About a quarter to eight.

Q But during a 24-hour period garbage has to be pushed out of the Butler Library?

A Well, I don't know because I'm not there after 8:30, you know.

Q But that garbage has to be removed each night, does it not?

A Yes.

Q And it is the janitors who do it?

A Well, it's --

Q It is the janitors who push these trucks out?

A Yes.

Q Did you ever do any wet-mopping at Butler?

A Yes, sir.

Q What areas did you wet-mop?

A 100 and 300 levels every night. That was my regular task.

Q The corridors?

A One, two and three levels.

Q What sort of equipment did you use to do that job?

A A big bucket and one mop.

Q You say a big bucket. Do you want to describe it

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159 cmsr Peralta - cross

for us?

A Before I tell about the one that you carry, that one is with wheels, four wheels that you push. Just a bucket this high. [Indicating.]

Q About eighteen inches high?

A About eighteen inches high.

Q And about fifteen inches wide?

A Right.

Q And you would have a bucket with soapy solution on a dolly which you use?

A No.

Q What would it be?

A We push the pail on its wheels with a mop.

Q I see. Did you also have another pail which you could wring out your mop in?

A The same one.

Q Same one. Were there any maids doing that work with you?

A Never.

Q Is there wet-mopping going on at Butler Library?

A Every night, five nights a week.

Q And it is the janitors and heavy cleaners that do it?

A Right.

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Q How long were you at Butler?

A I was there about four months.

Q Then you went to 535 West 112th Street?

A Yes, sir.

Q And you did wet-mopping each night at 535 West 112th Street?

A And dust-mopping, too.

Q Did you clean any Johns at 112th Street?

A Yes.

Q How many?

A Two each floor.

Q How many floors?

A Six floors. And one more because on the first floor we have three.

Q So that would be thirteen?

A Thirteen.

Q You cleaned these all by yourself?

A Yes, sir.

Q Were you the only person assigned to that building?

A The only one person there.

Q You worked alone ?

A Alone.

Q Was there any University security patrol at that building?

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A Not that I -- I never saw anyone.

Q How many hours each night would you spend cleaning these heads at 535 West 111th Street?

A In the whole building?

Q The whole building.

A The whole shift. Eight hours.

Q Your whole shift there was wet-mopping and head cleaning?

A Yes.

MR. BERKE: Objection to that last question. Could we have a foundation laid as to whether the gentleman knows what a head is.

MR. STITT: If your Honor please, as a former member of the United States Navy and the Naval Reserve I think this word has some --

THE COURT: Why don't you ask him that on redirect?

Q You were then transferred to 514 and 616?

A West 114th Street.

Q And again, on the midnight shift?

A Midnight shift.

Q And you worked alone in this building?

A Yes.

Q And you have been your own security?

A Right.

162 cmsr Peralta - cross

Q How many lavoratories have you cleaned in 614-16?

A Two on each floor multiplied by eight makes sixteen. I guess about sixteen.

Q What portion of your shift at these two buildings did you spend cleaning these lavoratories?

A I used to do that just after I collect the garbage and dust the furniture.

Q How long did it take you to collect the garbage and dust the furniture?

A In the whole two buildings just about half of a shift.

Q And this was an eight-hour shift?

A Yes.

Q So you would spend half of that shift, or four hours, cleaning those lavoratories?

A Between the lavoratories and washing my, you know, washing my mops and putting the garbage out.

Q Yes, that would be part of the work, wouldn't it, you would prepare your own solution for doing this cleaning.

A Yes.

Q And you would clean your own equipment?

A Yes.

THE COURT: Do I understand, Mr. Peralta, that when you were at 114th Street during the night you were the

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only person there?

THE WITNESS: The only person in those two buildings.

THE COURT: In effect you were in charge of the two buildings at that time?

THE WITNESS: Yes.

THE COURT: All right.

BY MR. STITT:

Q Did there come a time when you were transferred to Mudd? When you left 614 - 616?

A Well, before I was transferred to Mudd I was practically without a place to work. I spent one week -- three or four weeks at French and Dutch House.

Q 614 - 16 is being closed down, is it not?

A Yes.

Q Is that true of these other off-campus buildings including the one that Mr. Garcia is working in?

A I don't know if that is closed already, but when Garcia was transferred it was open.

Q And Mr. Garcia has been transferred, also?

A Yes. He is in law school now.

Q He is up in the law school. Have you seen him work up there?

A No.

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Q When was he transferred to the law school?

A At the same time. I was October 7, Tuesday.

Q So the building that he formerly worked at off-campus is being phased out just like 612 and 614?

A Right.

MISS RODENHAUSEN: Objection to that question, "phased out".

THE COURT: To what portion do you object?

MISS RODENHAUSEN: The form of the words "phased out".

THE COURT: Would you rephrase it, Mr. Stitt?

BY MR. STITT:

Q What building was Mr. Garcia working in before he was transferred to the law school?

A 604 -606.

Q Is 604 -606 in the process of being closed down?

A Well, I never had any notice about that, you know, but the only thing I knew that maybe was going to be closed when he was transferred, that was the only thing I knew about that.

Q Has he been replaced in the meantime?

A Yes, another guy is working there.

Q But your off-campus building is being phased out?

THE COURT: Being closed down.

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Q Being closed down?

A Well, mine was. Now, I don't know about the rest.

37 Q While you were at 614-16 were you called upon on occasion to work in other buildings to fill in for another heavy cleaner, for example?

A Yes.

Q Tell us about that. What buildings did you fill in on occasion?

A Well, in addition, I would fill in in the other four buildings in that same neighborhood, 606-604, when Garcia was on vacation or was sick, and 610-614 when Mr. Sarosa was on vacation or sick.

Q Did you work alone in those buildings?

A No, in that time when somebody is on vacation the other two cover for the one that's out. After or before we do our regular work.

Q Did you fill in at any other buildings?

A Yes, in the Dutch and French House.

Q Any others before you were transferred to Mudd?

A No.

Q When did you start working in Mudd?

A In October, I think that was in the 7th. That was a Tuesday night that they took me there.

Q What areas are you assigned to in Mudd?

A Now I start doing the scrubbing, now I am assigned to the bathrooms.

Q When you say scrubbing, you mean working with this floor machine?

A Yes.

Q How long were you working with that floor machine?

A Just a week.

Q Was that during your entire shift for that one week?

A Yes, sir.

Q Did you receive the premium pay for that entire week?

A Yes, sir.

Q After the first week you were assigned to the lavoratories at Mudd?

A Yes, sir.

Q Which lavoratories and which floors?

A All of them.

Q How many stories are there in Mudd?

A Thirteen, plus the basement. There is fourteen and fifteen, but we never go there. This is why I say thirteen, you see.

Q All right. And on those thirteen floors how many lavoratories are there?

A Exactly 34.

Q 34 lavoratories?

A Exactly.

Q These are men's rooms and women's rooms?

A Yes, sir.

Q How many of those 34 lavoratories are you assigned to clean?

A All of them. Every one of them.

Q Every one of them?

A Yes, sir.

Q Would you describe these lavoratories? To shorten it up, the minimum number of commodes, or toilets, and the maximum number of toilets.

A Well, the minimum number is two, and the maximum is four.

Q Do you have any help cleaning those lavoratories?

A Yes.

Q There is another man who works along with you?

A Another man, we do the job together.

Q What sort of equipment do you use to do this job on those lavoratories at Mudd?

A Well, a cart with two pails, two mops with wringers, one bucket and a couple of bottles, plastic bottles with detergents.

Q Are these pails those eighteen-inch by fifteen

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you described earlier?

A The same one without the wheels. We put them both on one cart.

Q Are they sometimes referred to as 44-quart pails? Have you ever heard that term?

A Yes, I heard that term.

Q Does that accurately describe those buckets that you use?

A Yes.

Q And you prepare your own solution?

A Yes, sir.

Q How do you do that? How do you go about it?

A We put the amount of water that we can use, we put some detergent in one of the pails. The other is clean water. That is to rinse the floors. And besides we use one solution for the metal thing that you have in the bathrooms. You know, those containers where you take the paper towels, we spray that and wipe it every night.

Q And you clean the urinals and the bowls?

A Yes, sir.

Q And you wet-mop the floors?

A Wet-mop the floors.

Q This is done in every one of those heads every night?

A Every night.

Q And do you do that for your entire shift?

A Yes. And before I finish my shift I have to stop and go down to the first floor and help somebody to push the garbage out.

Q All right. Tell us what you do with respect to that garbage.

A Well, I just help him to push it because he is the one in charge of filling the trucks, you know. I never --

Q He fills and you push?

A Then I go down at six o'clock and help him.

Q He fills and you push?

A No, both of us push.

Q Both of you push?

A Yes. He fills the trucks and when I come down they are already filled.

Q Well, why doesn't he push them out himself?

A Well, that's what we have in there.

Q Do you have to push these trucks up an incline?

A Yes. Because it's a ramp. You go into Washington Avenue.

Q And two of you do that?

A Yes.

Q Do you have to use a good oomph to get that truck

started up that ramp?

MISS GOODMAN: Objection, your Honor. I don't know what a good oomph is.

THE COURT: Yes, I agree with that. Try it some other way.

MR. STITT: I thought I had a form for that question, your Honor.

THE COURT: You do, but it may not be a legally admissible form. Go ahead.

Q How much do you weigh, Mr. Peralta?

A Well, last time I weighed myself was about 155.

Q Are you in good health?

A Yes.

Q Would you describe the effort and strength that is required of you to get this truck started up that ramp.

MR. BERKE: Objection as calling for a legal conclusion.

THE COURT: I will allow it. Can you get it started with one hand, Mr. Peralta? In terms of your own strength, how much of your strength do you use in pushing that?

THE WITNESS: Well, because we are two pushing that. You don't have to use all your strength, you know. But you have to use some because it's pretty heavy.

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Q Particularly to get it started up the incline?

A Yes. That ramp is --

Q Have you ever seen any women push those trucks up that ramp at Mudd?

A Not to my knowledge. I never saw it.

Q Are there lobbies and stairs in Mudd that have to be wet-mopped?

A Yes, sir.

Q Who does that?

A The lobby and the fourth floor is done by a guy named Jim Boubof.

Q Could you spell that last name for us, or have a shot at it?

A B-o-u-b-o-f something like that. It's a French name.

Q Is he a heavy cleaner?

A Yes, he is a heavy cleaner.

Q Does he do that wet-mopping every night?

A Every night.

MR. STITT: If I may have a moment, your Honor.

THE COURT: You may.

MR. STITT: Your Honor, I have no further questions of Mr. Peralta.

THE COURT: Is there any redirect examination?

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172 cmsr Peralta - redirect

REDIRECT EXAMINATION

BY MISS RODENHAUSEN:

Q Mr. Peralta, you have given us the jobs that you have done before you came to Columbia. Did you put any of this job information on your application for Columbia?

A Yes.

Q You listed all these jobs?

A I put that information on the application I'm sure.

Q Pardon?

A I said I put that information there. Every job before, because the questionnaire you have to put it where you worked before, and then they ask you what you did in there.

Q You testified to cleaning bathrooms in Butler and cleaning the bathrooms in the buildings on 114th Street.

A Yes.

Q Would you tell us in what ways, if any, these bathrooms in the two buildings differed for you?

A Well, it's very different because in Mudd are larger bathrooms. You have to use heavier equipment. In 114th Street I use a bucket and just a mop. Sometimes I just wet the mop someplace else and wipe the floor because those bathrooms have so many use. Sometimes only one person use them.

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Q Did you receive the same rate of pay when you were working in Mudd as you did when you worked at 114th Street?

A Pardon?

Q Did you receive the same rate of pay when you worked at the Mudd building as when you worked at 114th Street?

A No, because now came a raise.

Q Prior to the raise were you paid at the same rate?

A Well, yes, same thing. Same pay.

Q Have you been back to Butler since you worked there at the start of your employ?

A Never.

Q Have you ever observed anyone cleaning in Butler since the start of your employ ?

THE COURT: He said he hasn't been there.

MISS RODENHAUSEN: He hasn't been there.

Q When you worked at 114th Street, Mr. Peralta, in these two buildings, you stated that you worked alone; is that right?

A I worked?

Q The two buildings on 114th Street.

A I work alone

Q You worked alone; is that right?

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A Yes.

Q Do you have a supervisor, Mr. Peralta?

A Yes, the supervisor has to go from place to place to see that everything is okay.

Q Did he come to the buildings where you worked when you worked on 113th Street?

A Every night.

Q What is his name ?

A Frank Anthony.

Q You say the buildings at 614 and 616 on 114th Street are closed down. What do you mean by that?

A Well, I believe they were closed down for building and grounds. I understand they have some people living in there now.

Q What is your understanding based on?

A Well, because last time I was in there was occupied in part the upper floors by some young guys, I don't know who they are.

Q You work with Mr. Garcia now?

A No, we were working together for a period of one year, I don't know, something like that, but he is someplace else now.

Q You said that a person works in the buildings where Mr. Garcia worked, on cross-examination. Is that person a

cleaner?

A Yes. Well, they call her a cleaner.

Q You testified to pushing a garbage truck at Mudd Building where you work now. Do you do this every day, Mr. Peralta?

A Every morning.

Q How long do you spend doing that job?

A Well, sometime fifteen minutes, sometime more. All depend on the amount of traffic we have in there.

Q What is the most amount of time you spend pushing garbage?

A About half an hour.

THE COURT: Is this every day?

THE WITNESS: Every day.

Q You have been working at Mudd for how long?

A Well, this is my fifth week there.

* * * * * *

WILBUR BEATON, called as a witness in behalf of the plaintiffs, having been first duly sworn by the Clerk of the Court, testified as follows:

DIRECT EXAMINATION

BY MR. BERKE:

Q Mr. Beaton, where are you presently employed?

A Columbia University.

Q In what building do you work, sir?

A Havemeyer.

Q How long have you been employed at Columbia?

A Six years.

Q How long have you worked at Havemeyer?

A Six years.

Q What are your present duties, sir?

A Collect the garbage, stairwell, wet-mop the stairwell and the blackboards.

Q Mr. Beaton, I am going to ask you to speak as loudly as you can so that all of us in the courtroom can hear you.

What shift are you on?

A Twelve to 8:00 shift.

Q You say you collect the garbage. Can you describe how you go about doing that, sir?

A Yes. I have a barrel on rollers and I push it around

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from the office, the laboratory, I collect the garbage on each floor.

Q Is that a large trash truck that you are pushing around?

A No.

Q It's what, sir? It's just simply a barrel on rollers?

A Yes.

Q And you go from room to room?

A Yes.

Q And collect the trash?

A Yes.

Q And the trash is in what kind of receptacles when you are collecting it?

A Waste paper baskets.

Q Small?

A Small. Some large.

Q Bucket size -

THE COURT: Mr. Berke, let's let the witness testify, please.

MR. BERKE: All right.

Q Can you testify as to the size of the receptacles from which you collect the garbage?

A Yes. Regular sized waste paper baskets.

190 cmsr Beaton - direct

Q Okay. Would it be about the size of this basket here, sir? [Indicating.]

A Yes.

THE COURT: A foot and a half? By a foot square?

MR. BERKE: About, yes.

THE COURT: All right.

Q How long do you spend in collecting this garbage in the manner you describe?

A From three to four hours.

Q Where do you start your garbage collection?

A I usually start on the first floor.

Q When you have collected all the garbage on the first floor into your barrel on wheels, what do you then do with the garbage?

A I move it to the elevator. I mean, by the elevator.

Q You leave it by the elevator?

A Yes.

Q Then from the first floor you go where?

A Second floor.

Q What do you do then?

A Collect the garbage and bring it and put it by the elevator.

Q You do it on each successive floor in the same manner as you described you did it on the first floor?

191 cmsr Beaton - direct [1179]

MR. STITT: If your Honor please, I wonder if we might have the witness testify.

THE COURT: Yes, I think so. Sustained.

MR. BERKE: Your Honor, I'm willing to take him floor by floor, but I'm really trying to save time.

Q On the second floor would you tell us precisely what you do, how you collect the garbage on the second floor?

A Well, take the key, open the door, push the barrel into the room and start emptying the waste paper basket.

Q You go from room to room?

A Room to room.

Q And the baskets from which you collect the garbage, are they this type of basket on the second floor as well?

A Yes.

Q And on the third floor?

A Yes.

Q And on the fourth floor?

A On the third floor some of them are a little larger.

Q Can you describe how large? Much larger?

A About six inches.

Q And on the fourth floor?

A Yes.

Q Which type, the six-inch, large ones or that type?

A That type. [Indicating.]

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Q Indicating the foot and a half basket. And is this generally the method of garbage collection you use on each floor?

A Yes.

Q And there are how many floors in the building?

A Seven floors.

Q When you finish your garbage collection on the seventh floor, what do you then do, sir?

A Well, I start putting them in the elevator coming down to the first floor.

Q And on the way down what do you do?

A I stop on each floor.

Q And what do you do?

A Take the garbage from beside the elevator door, start putting it inside the elevator.

Q And the garbage is in what -- when you are putting the garbage into the elevator, into what are you putting it?

A Plastic bags.

Q Into plastic bags, but in the elevator do you have some sort of a cart or truck?

A No.

Q You don't have a cart or truck in the elevator?

A No.

Q So you put each plastic bag -- describe what you do,

sir.

A I put the plastic bag in the elevator.

Q Okay. And then --

MR. STITT: Your Honor, was the witness in the middle of an answer?

THE COURT: Yes. Mr. Beaton, just go ahead and tell us at your pace what you do with all this garbage, will you? You just go on and tell us what it is that you do.

A [continuing] Well, after I collect it from the office and the laboratory and I put it by the elevator and I pick them up, I put them in the elevator floor by floor until I get to the first floor. When I get to the first floor I take them out of the elevator and put them in a garbage cart.

THE COURT: Then what do you?

THE WITNESS: Well, after I completed it I usually put it outside the building until time to take it over to Amersterdam Avenue going to the dump.

THE COURT: You take the garbage cart and you put it outside the building?

THE WITNESS: Yes.

THE COURT: How do you do that?

THE WITNESS: Pull it.

THE COURT: All right. Go ahead, Mr. Berke.

BY MR. BERKE:

Q After you have taken the garbage cart and put it outside the building, what do you then do, sir?

A Well, I go to the computer room to collect the garbage there.

Q What sort of garbage do you collect there?

A Computer papers and cards.

Q How many bags of garbage do you typically collect there?

A Seven, eight.

Q How much does each bag weigh?

A Five, ten pounds maybe.

Q What do you do with each bag?

A I take the bags and set them on the platform outside the building.

Q How far is the platform from the computer room?

A Maybe 25 feet.

Q How do you get each bag from the computer room to the platform?

A I carry them.

Q After you are done with the computer room garbage what do you then do?

A I bring the cart from the inside of the building, bring it around and stack them in there.

Q Stack what in there, sir?

A The garbage in the garbage cart, from the computer room.

Q What do you do then?

A Well, I usually go back into the building. Usually around lunchtime.

Q How long do you spend on your lunch?

A Half an hour.

Q After that what do you do?

A I sweep the stairwell.

Q How many stairways do you sweep?

A Seven flights of stairs.

Q What kind of an implement are you using to sweep?

A A broom.

Q Are you wet-mopping the stairs?

A No, I'm not wet-mopping yet. Afterward.

Q After you sweep the stairs?

A Yes.

Q What do you then do?

A I go and take the garbage and carry it over to the dump.

Q Where is the dump?

A It's Amsterdam Avenue and 118th Street.

Q Approximately how far is the dump in terms of blocks,

if you know? How far is the dump from the Havemeyer Building dock?

A Maybe one block.

Q How do you get the garbage from Havemeyer Building to the area one block away?

A Pull the garbage cart over there.

Q How long does it take you to pull the garbage cart over there?

A Maybe five, ten minutes.

Q Do you pull the garbage cart back?

A No.

Q Do you unload the garbage cart at that place?

A No.

Q You then leave the garbage cart there, sir?

A Yes.

Q Who fetches that cart eventually?

A The day janitor.

Q How many carts of garbage do you take out in that fashion?

A Two garbage carts.

Q Do you ever take out less than two?

A Yes.

Q Approximately how often do you take out one?

A Maybe once a week.

197 cmsr Beaton - direct

Q And approximately how often do you take out two?

A Four times a week.

Q And it takes you the same amount of time to push each cart load of garbage?

A No.

Q Can you explain that ?

A Sometime the garbage are heavier than some.

Q What is the consequence of that, sir?

A It takes a little more time.

Q What is the most amount of time that you spent?

A Maybe ten minutes.

THE COURT: Mr. Berke, just for my curiousity there are two disposal methods here. I take it that one has to do with assuring the destruction of some secret material, or some confidential material, is that the reason for the difference in the --

MR. BERKE: No, your Honor.

THE COURT: The computer only takes it to one place and the other one takes it somewhere else?

MR. BERKE: My understanding is, and we can clear this up with testimony that the computer room is closer to the outside door and so he doesn't take the garbage from the computer room down to the elevator, it's downstairs already. He merely carries it out, puts it outside the door. Then he

brings the cart over and puts it in, then takes it all out eventually.

THE COURT: That fact is obviously not relevant to the issue here in any event. Go ahead.

BY MR. BERKE:

Q So that you say the longest it would take you to push the cart from the building to Amsterdam Avenue is how long?

A Maybe five, ten minutes.

Q And you do it at most how many times a night?

A One time, two times.

THE COURT: Do you cross the street doing this?

THE WITNESS: No, sir.

THE COURT: You don't?

THE WITNESS: No, sir.

THE COURT: You go down the sidewalk?

THE WITNESS: Like a driveway.

THE COURT: You go down a driveway and then where?

THE WITNESS: See, I come from the back of the building down the driveway all underneath the tunnel, there's like a tunnel on over Amsterdam Avenue.

THE COURT: But you don't cross any public street?

THE WITNESS: No public street.

Q Mr. Beaton, let me show you this exhibit marked

Exhibit No. 101 for identification, and ask you to put a zero next to the Havemeyer Building. [Handing.]

Thank you, let me show it to the Court. [Handing.]

Let me again show you this Exhibit 101 marked for identification and ask you to mark approximately where you wheel the garbage to.

MR. STITT: Why not put a "S" for start and another "S" for stop.

THE COURT: "F", Mr. Stitt?

MR. STITT: Yes.

MR. BERKE: Or can we do "S-1" and "S-2", if you can do that, sir.

MR. STITT: No, make it "S" and "F", I like that better. In fact, I like finish better than start.

BY MR. BERKE:

Q This is your finish point, is that it, sir?

A Yes.

MR. STITT: Now, what is this, is there a marking here?

MR. BERKE: I'm asking the questions. Yes, we haven't made the marking yet.

Q This is your finish and you are indicating the intersection of Amsterdam Avenue and West 118th Street?

A Yes.

200 cmsr Beaton - direct

Q Will you make a "F" at the point where you are indicating, sir? About where you leave the garbage. Now, do you leave it up the street in front of the Schermerhorn Building or do you just --

A No, I leave it --

Q Where is that?

A By the building.

Q Do you make a turn there?

A No, I leave it -- I can't tell by the map.

Q You can't tell by the map?

A Yes. I mean, see, the terrace right here.

Q Yes.

A It's in between.

Q Can you tell by the map where you leave the garbage?

A Somewhere around here. [Indicating.]

Q Somewhere around there. Would you put a "F" there, please. All right.

MR. BERKE: Your Honor, the witness is putting an "F" in a different place than I indicated in the record, so that should be corrected by your Honor.

THE COURT: May the record show I am marking in ink here, he has a zero and I am marking it in ink. How does it get here? You say there is a tunnel?

THE WITNESS The driveway.

THE COURT: There is a driveway right behind Uris?

THE WITNESS: Yes, right through it.

THE COURT: All right. I know where you mean. All right, go ahead. And you roll it along that driveway to the other side?

THE WITNESS: Yes.

THE COURT: All right.

BY MR. BERKE:

Q Could you describe the truck for us, Mr. Beaton?

A It's a wooden container on four wheels and it has a door that swings down.

Q Is it a flat truck or a cart?

A It's a cart.

MR. STITT: May we have the length and width and depth?

THE COURT: Yes.

Q Could you give us the length of the cart?

A Maybe four feet by four feet.

Q And the height of the cart?

A Maybe four feet.

THE COURT: Four feet in every direction, roughly?

THE WITNESS: No, maybe two.

Q Two feet wide, sir, two feet deep, or two feet wide

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by four feet deep?

A Yes.

Q By four feet long?

A Yes.

Q Can you describe to us how you clean the blackboards?

A I use water and a sponge.

Q Approximately how long do you stand on each shift performing the job of cleaning the blackboard?

A Maybe an hour.

Q Mr. Beaton, do you use a pail to assist you in your mopping?

A Yes.

Q Is it a 40-quart pail?

A No.

Q Do you know how many quarts it is?

A Not exactly. I think it's 30.

Q Do you use a 30-gallon mop tank?

A No.

Q Do you use a ladder in your work?

A No. Sometimes.

Q Well, do you --

MR. STITT: I believe the witness was in the middle of an answer. Sometimes, and I thought he was going to explain. I ask that his answer be completed.

203 cmsr Beaton - direct

THE COURT: Yes, go ahead, sir.

A Maybe sometimes a light might blow out in the ladies' rest room and they ask me to change it for them sometime and I do it.

Q When was the last time that you changed such a light?

A Maybe three months ago.

Q When was the time before that?

A Maybe three months before.

Q And before that?

A Maybe once before.

Q You say once before, you mean the time that you have now described to us -- well, how many times have you done this --

MR. BERKE: Strike my question.

Q How many times have you changed a light in Havemeyer in the six years you have been employed?

A Maybe three times.

Q Do you use an industrial wet-dry vacuum?

A No.

Q Do you move furniture in the building?

A No.

Q Do you move it within a room?

A No.

204 cmsr

Q Do you have any cause to dust-mop and have to move chairs so that you can get underneath tables?

A No.

Q Do you receive deliveries of supplies?

A No.

Q Or transport deliveries of supplies down to storage?

A No.

Q Have you ever snow-shoveled?

A No.

Q Have you ever shampooed a rug?

A No.

Q Are you familiar with 55-gallon drums of wax?

A Yes.

Q Have you ever handled such a drum?

A Yes.

Q How many times in the six years that you have been employed at Columbia have you handled such a drum?

A Three times

Q And on each occasion what have you done to the drum?

A Put them on rollers on the stand.

Q Were you by yourself when you did this?

A No.

Q How many other people were with you?

A Two.

Q Each time?

A Yes.

Q What was the distance that you moved the drum?

A Maybe two, three inches.

Q What was the distance from the floor that you lifted the drum?

A Never lifted the drum.

Q You never lifted the drum?

A No.

Q How did you get it up on the stand?

A Well, you tilt it, you tilt the drum and you set the roller underneath the edge of it and you just ease it over.

Q What role does each of the three people that you worked with -- well, you worked with two. what role did each of the three of you play in tilting and setting in the wheels? Do you recall?

A One set it underneath while the other two tilt it over.

Q Which did you do?

A Tilted, I set it underneath it.

Q Which was it?

A I set the stand underneath the drum.

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Q You didn't tilt the drum?

A No.

THE COURT: Mr. Beaton, does it take two men to lower this drum down into the stand? What does it weigh?

THE WITNESS: I don't know exactly. I guess maybe under 200 pounds.

THE COURT: In lowering it down I understand there are two people that do that?

THE WITNESS: Yes.

THE COURT: Does it take two people to do that?

THE WITNESS: Yes.

THE COURT: All right.

BY MR. BERKE:

Q How long does it take to lower the drum onto the stand?

A Five, ten minutes.

Q What is the distance that they are lowering the drum?

A The distance?

Q Is it a matter of feet or inches?

A A matter of feet.

Q Mr. Beaton, I am going to ask you to re-explain that.

MR. STITT: Now, if your Honor please --

THE COURT: Yes, I will sustain the objection.

Q You testified, or, let me ask you again, are the

drums lifted?

MR. STITT: Your Honor, I believe that question has been asked a half dozen times.

THE COURT: It has.

MR. BERKE: I can't understand how if it is tipped it can be a matter of feet.

THE COURT: Mr. Berke, it is what the witness says and not your understanding that is controlling in this courtroom.

Q Mr. Beaton, when you say it is a matter of feet, a matter of feet from where to where? From what point to what point, sir?

A You just tilt the drum on one side and set the rollers under it. I mean, the stand, and just ease it down.

Q And the matter of feet that it is moved that you are speaking of are from what point to what point?

A From the top to the bottom.

Q From the top of the drum to the bottom of the drum?

THE COURT: No, it's from the vertical position down to the horizontal position; is that right?

THE WITNESS: Yes.

Q Have you ever hosed sidewalks?

A No.

Q Have you ever used ventilation equipment?

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FOLEY SQUARE, N.Y.

A No.

Q Have you ever shoveled snow?

A No.

Q Have you ever done spot removal of carpeting?

A No.

Q Have you ever done any minor repairs?

A No.

Q Now, sir, do you lock the building?

A Yes.

Q How many doors?

A One door.

Q Will you tell me the sequence of events which take place when you lock the building?

A Well, the guard is on the door to let the workers in.

Q At what time of night is this?

A This is twelve o'clock.

Q Twelve o'clock at night?

A Yes.

Q That is when the shift starts?

A Yes.

Q The guards on the door let the workers in, then what?

A Well, the guard leaves at twelve and usually leaves

one door open.

Q And the door he leaves open, is it an inside door or an outside door?

A Outside door.

Q Then what?

A Twelve o'clock I come upstairs and lock it.

Q You lock the door?

A Yes.

Q Is the door that you locked ever checked again?

A Yes.

Q By whom?

A Guards.

Q It is checked by the guards after you lock it?

A Yes.

Q You have seen this being done?

A Yes.

Q Do you lock any other doors in the building?

A No. Only after I pick up the garbage in the rooms.

Q Is there a janitor named McDougal in the building?

A Yes.

Q Does he ever lock the door?

A No.

Q Do you ever use a flat truck in the performance of your work?

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FOLEY

210 cmsr Beaton - direct

A Sometimes.

Q When do you use that?

A Sometime we have a lot of glass bottles and test tubes and glass containers from the laboratory.

Q When was the last time you used the flat truck to remove the glass?

A Today.

Q When was the time before that?

A The day before.

Q How much glass did you remove?

A Very little.

Q How many pounds?

A Maybe ten pounds.

Q Could you have lifted that ten pounds?

A Yes.

Q How come you used the truck?

A Instead of carrying it in my hand I just rolled it over there.

Q Was it easier for you to use the truck?

A Yes.

Q It was as a convenience, wasn't it?

A Yes.

MR. STITT: I object to the leading.

THE COURT: Yes.

MR. STITT: And I move to strike.

THE COURT: Strike it out.

Q Did you ever use a vacuum cleaner?

A No.

Q Mr. Beaton, do you use a buffing machine?

A No.

Q Have you ever used a buffing machine?

A In training.

Q When was that? How long ago?

A Six years ago.

Q How long was your training period?

A Two weeks.

Q How many days in the two-week period did you use a buffer?

A Maybe once.

Q What part of that one day did you use the buffing machine?

A Well, it was that night.

Q What part of that one shift did you use the buffing machine?

MR. STITT: Are you referring to a floor machine with a buffer attachment?

THE COURT: The Clark type machine, is that what you are talking about? These Clark machines?

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FOLEY SQUARE

MR. BERKE: Yes, sir.

Q The buffing machine that you used, did it look something like this? [Indicating.]

A Yes.

THE COURT: The witness is being shown Exhibit No. --

MR. BERKE: No. 118 marked for identification.

THE COURT: In evidence.

MR. BERKE: In evidence.

Q What part of that one shift in terms of time did you use that machine, do you recall?

A No.

Q And since those two weeks have you ever used the buffing machine again in your six years with Columbia?

A No.

Q Have you ever used it to scrub floors?

A No.

THE COURT: He said he didn't use it, Mr. Berke, so why get into that?

Q You do understand that a buffing machine is the same as a scrubbing machine?

A Yes.

Q And you have not used that?

A Yes.

213 cmsr Beaton - direct [1201]

MR. BERKE: Nothing more.

THE COURT: Plaintiff Walker.

DIRECT EXAMINATION

BY MISS GOODMAN:

* * * * * * *

Q You said you had a training program? [1202]

A Yes.

Q Immediately upon being hired?

A Yes.

Q And that training program was for two weeks?

A Yes.

Q You were trained to work the buffing machine?

A Yes.

Q Was there any other equipment you were trained to use?

A No.

Q Have you ever seen a wet-dry vacuum?

A Yes.

215 cmsr Beaton - direct [1203]

Q Have you ever been trained to use a wet-dry vacuum?

A No.

Q A piling machine?

A No.

Q Have you seen a piling machine?

MR. STITT: I object to the form of the question, your Honor.

THE COURT: On what basis?

MR. STITT: I don't think there has been any use of that term in this record. Now, there has been reference to a pile lifter.

THE COURT: Let's make sure Miss Goodman, the witness understands what it is that your question embraces.

Q Are you familiar with a pile lifter?

A No.

THE COURT: You say no?

THE WITNESS: No.

Q Was there any demonstration of the use of the pile lifter during your training course?

THE COURT: I assume if he is not familiar with it he didn't see it demonstrated.

A No.

Q When you were trained on the buffing machine did you ever lift it?

A No.

Q Were you ever required to lift it?

A No.

Q Have you ever seen any other janitor lift the buffer?

A No.

Q Do you know whether any other janitors have been required to lift the buffer?

A No.

Q Do you know about how much the buffer weighs?

A Not, not offhand.

Q Could you estimate the weight of it?

A Maybe a hundred pounds.

Q How is it moved about?

A On rollers.

MISS GOODMAN: We have no further questions, your Honor.

THE COURT: Mr. Stitt.

CROSS-EXAMINATION

BY MR. STITT:

Q Mr. Beaton, this training program was for two weeks?

A Yes.

Q And your trainer, was his name Mr. Jackson? Do you recall his name?

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A No.

Q And you received training in the use of this 23-inch floor machine during that period?

A Yes.

Q And you received training in using it for stripping?

A Yes.

Q And buffing?

A Yes.

Q What else did you do during these two weeks, ju the machine work?

A Yes.

Q And you received this training at Uris Hall?

A Yes.

Q After completing your training you were assigned to Havemeyer?

A Yes.

Q Is Havemeyer part of the Chemistry Department of Columbia University?

A Yes.

Q Are there laboratories where experiments are conducted in that building?

A Yes.

Q Does this involve chemicals?

A Yes.

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Q Test tubes?

A Yes.

Q Glass containers?

A Yes.

Q How long, to your knowledge, have heavy cleaners or janitors been cleaning out the trash receptacles in Havemeyer?

A I don't understand your question.

Q During your entire period of Havemeyer have the janitors or the heavy cleaners been cleaning out the trash receptacles containing all this glass?

A Yes.

Q Is there any other building in the University where the heavy cleaners attend to the emptying of the tra baskets?

A Yes, sir.

Q What other building?

A Chandler.

Q Is that also part of the Chemistry Department?

A Yes, it is.

Q Is it also true that at Journalism the heavy cleaners do the emptying of the waste baskets?

A I don't know

Q Do you know the reasons why the heavy cleaners

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attend to the emptying of the trash receptacles?

MR. BERKE: Objection. State of mind question. University --

THE COURT: Has it been communicated to him in any official kind of way?

MR. BERKE: That would be hearsay.

THE COURT: Let's see what the answer is.

MR. BERKE: Wouldn't that be hearsay if it were communicated to him?

THE COURT: It depends on what the answer is. Let's see what the answer is.

Q Can you give us the reason?

A No.

Q Now, is it true that you use a truck for loading this glass?

A Yes.

Q Is that done for safety reasons?

A Yes.

Q Does any maid or light cleaner help you load that trash, or glass, on that truck?

A No.

Q You mentioned a Mr. McDougal.

A Yes.

Q Is he also a heavy cleaner at Havemeyer?

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A Yes.

Q What is he assigned to?

A Chandler.

Q What does he do in Chandler?

A Collect the garbage.

Q Does he also do wet-mopping?

A No.

Q Who is assigned to do wet-mopping in Chandler?

A William Miles.

Q Is he another heavy?

A Yes.

Q Are there public lavoratories, men's rooms and women's rooms, in Chandler and Havemeyer?

A Yes.

Q On each floor?

A No.

Q How many floors?

A At Chandler, eight, five and two. Havemeyer, four, five, one and two.

Q Are there two lavoratories on each floor, one for men and one for women?

A No.

Q How many?

A One.

Q Are you familiar with those lavoratories?

A Yes.

Q Have you ever cleaned them out on occasion?

A No.

Q Would you describe them for us, please? How many toilets in those that you are familiar with?

A Havemeyer?

Q Yes. How many toilets in each of those lavoratories?

A How many toilets, you mean men and women?

Q No, let's just take a men's room that you are familiar with. Tell me how many toilets in that lavoratory.

A You're talking about the building.

Q I'm talking about one lavoratory on one floor in Havemeyer.

A Three.

Q Is it true that the janitors are assigned to cleaning those lavoratories?

A Yes.

Q For men and women?

A Yes.

Q Is it true that those lavoratories are cleaned each night?

A Yes.

222 cmsr Beaton - cross

Q What sort of equipment is involved in the cleaning of those lavoratories?

THE COURT: Mr. Stitt, do we need to get into this? I think we have got that pretty well established, unless you have something unusual.

MR. STITT: No, sir.

Q You were asked about the handling of 55-gallon drums, and I think when you finished up we had those drums in a stand. What happened to them after that, and the cleaning solvents in the drums?

A Well, you just roll it back and set it in place.

Q Are those cleaning solvents used in solution for the wet-mopping that's done in these buildings?

A Yes.

Q Have you yourself taken cleaning solution from those drums for your mop trucks?

A Yes.

Q Do you make that solution as part of your job?

A Yes.

THE COURT: Mr. Beaton, how do these drums get into the building? Do they come in with a fellow that has one of those two-wheeled dollies with a flange at the bottom so that he sets it down upright? Is that it?

THE WITNESS. He have a special hand truck.

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223 cmsr Beaton - cross

THE COURT: Who brings it in in that hand truck?

THE WITNESS: The day janitor.

THE COURT: Then what does he do, put it down about near where this stand is? Is that it?

THE WITNESS: Yes.

THE COURT: Then you fellows put it onto that stand?

THE WITNESS: Yes.

THE COURT: And you may or may not get it exactly on the stand where you want it, but in any event you move it down a few inches either way on the stand and get it into position, do you?

THE WITNESS: Not on the stand.

THE COURT: Not on the stand?

THE WITNESS: Once it's on the stand it fits.

THE COURT: That's where it stays?

THE WITNESS: Yes.

THE COURT: Because it's too heavy to move once it's on the stand?

THE WITNESS: Yes. You can move them around, but it will take maybe two people.

THE COURT: To get it to where you want to put it on the stand, what do you do, roll it on its bottom edge?

THE WITNESS: Yes.

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THE COURT: I have got you. Does it take two people to do that?

THE WITNESS: Yes.

THE COURT: All right.

BY MR. STITT:

Q Between the hours of twelve and three you are collecting garbage?

A Yes.

Q Is it true that then around three o'clock you get your mopping equipment on the second floor?

A No.

Q What do you do then at three o'clock?

A I usually go in and start collecting from the computer room.

Q When do you get your mopping equipment?

A Usually after I finish in the computer room.

Q When is that, approximately ?

A Maybe 4:30.

Q About 4:30. Is this after you have had your lunch break?

A Yes.

Q Then you tend to mopping the stairways from the seventh floor down to the basement?

A I sweep first.

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225 cmsr Beaton - cross

Q First you sweep?

A Yes.

Q Then you wet-mop that entire area?

A I usually pull the garbage out before I start mopping.

Q You pull the garbage out first and you haul it over to 119th Street, and you do that yourself?

A Yes.

Q Does any maid or light cleaner help you with that task?

A No.

Q How much time each night do you spend mopping from the seventh floor down to the basement?

A Maybe an hour.

Q Maybe longer?

A Yes.

Q Maybe two hours?

A Maybe.

Q And you also spend an hour cleaning blackboards from the sixth floor down to the third floor?

A Yes, longer, maybe.

Q Do you ever fill in in other buildings besides Havemeyer?

A No.

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Q Is this a 24-ounce mop that you use?

A Sometime. Sometime 32.

Q Sometimes 32 ounces?

A Yes.

Q Is that what you usually use, a 32-ounce, or --

A 24.

Q 24, and sometimes a 32?

A Yes.

Q Do you use rubbers when you wet-mop?

A Yes.

Q Gloves?

A No.

Q Did you ever use gloves during your work?

A Yes.

Q For handling the glass garbage?

A Yes.

Q Anything else?

A Regular garbage.

Q Did the maids in Havemeyer wear gloves?

A Yes.

Q All of them?

A I don't know.

Q Do they wear rubbers?

A No.

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[1215]

227 cmsr Beaton - cross

MR. STITT: If I may have a moment, your Honor.

THE COURT: Surely.

Q This floor machine that you use, is that 23 inches in diameter, would that be this one over here on the far right, the Clark machine? [Indicating.]

MISS GOODMAN: Objection, your Honor. There has been no testimony, in fact, there has been testimony that this machine is not used.

THE COURT: Let's see what the witness says. The question is a proper question.

Q I show you this page of Exhibit 118, and I turn to the last page and show you four Clark floor machines, from left to right, fifteen inches, seventeen, twenty, and 23 inches in diameter. Which is the one that you have used? [Handing.]

A When in training?

Q Yes, sir.

A This one. [Indicating.]

Q You are pointing to the one with the "A" on it, the furthest to the right?

A Yes.

MR. STITT: Let the record show that is the 23-incher. Your Honor, I have no further questions.

THE COURT: Mr. Beaton, this garbage truck that

you push along the driveway I believe you said was two feet by four feet by four feet, approximately. Do you know how much it weighs?

THE WITNESS: No.

THE COURT: On an average load.

THE WITNESS: On an average -- maybe 150 pounds.

THE COURT: This driveway that you push it along, what is the surface of that driveway like?

THE WITNESS: It's asphalt.

THE COURT: Is it a smooth surface?

THE WITNESS: Yes.

THE COURT: Or is it a rough surface?

THE WITNESS: A smooth surface.

THE COURT: Is any of it up a grade or down a grade?

THE WITNESS: It's down a grade.

THE COURT: It is all down the grade?

THE WITNESS: Yes.

THE COURT: Does that mean sometimes you have to hang onto this load to keep it from running away from you?

THE WITNESS: Yes.

THE COURT: You do?

THE WITNESS: Yes.

THE COURT: How far do you shepherd a load on this

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driveway?

THE WITNESS: About a block, maybe a half.

MR. STITT: Do you do that every night, Mr. Beaton?

THE WITNESS: Yes.

THE COURT: Yes, he said he did that. Did you ever have the load turn over on you?

THE WITNESS: No.

THE COURT: So that is something you have to be careful about?

THE WITNESS: No.

THE COURT: All right. Thank you very much.

MR. STITT: May we have your age and your weight and your height, please?

THE WITNESS: Six-three, 31.

MR. BERKE: I object to this, your Honor. It is a matter of record.

THE COURT: I will permit it.

MR. STITT: Six-three, 235.

MR. STITT: And how old are you, Mr. Beaton?

THE WITNESS: 31.

MR. STITT: 31. Thank you very much.

THE COURT: Is there any redirect?

MR. BERKE: Yes, your Honor.

230 cmsr Beaton - redirect [1218]

REDIRECT EXAMINATION

BY MR. BERKE:

Q Mr. Beaton, the driveway on which you push the cart, how long a stretch of that is down an incline?

A Maybe fifteen feet.

Q Is it a very steep incline?

MR. STITT: I object to the use of the words "very steep", your Honor.

THE COURT: Yes, ask him to describe it, Mr. Berke

Q Could you describe the incline?

A No.

THE COURT: Mr. Beaton, using your hands could you give us an idea of the angle of the incline?

In other words, using your hands to describe it. So it is about, what would you say, fifteen or twenty degrees down?

* * * * * * *

[1221]

Q Did you also wet-mop during that training period?

A No.

Q What other tasks did you perform during that training period?

A Well, someone was stripping the floor and I was picking up the dirty slush off the floor.

Q How did you do that, sir?
A With a mop.
Q What else did you do during that training period?
A With wax.
Q Wax with what, sir?
A With a mop. Clean the bathroom.
Q Clean the bathrooms?
A Rest room.

Q In your duties today is it part of your duties today to cleaning bathrooms?
A No.
Q Has it been part of your duties at any time during your six-year period with the exception of the training period to clean bathrooms?
A No.
MR. BERKE: Nothing further.

** REDIRECT EXAMINATION

BY MISS GOODMAN:

Q You testified, Mr. Beaton, that you mopped the stairwells. Do you use a mop truck?
A No.

Q What is the equipment that you use?

A Pail and a wringer.

Q How large is that pail?

A Maybe thirty quarts.

Q About how many?

A Maybe about thirty quarts.

Q Could you estimate how much that pail weighs when it is dry, when there is no water in it?

A Maybe two pounds.

* * * * * *

[1255]

C O N S U E L O O R T I Z, called as a witness by the plaintiff, being first duly sworn, testified through the Spanish interpreter as follows:

* * * * * *

Q What is your present occupation? [1256]

A Maintenance, cleaner.

Q Where are you presently employed?

A (In English) Columbia University.

Q In which building are you employed?

A Mudd Building.

Q When did you begin work at Columbia University?

A (In English) August 16, 1966.

Q And which shift do you work on?

A From midnight to 8:30 a.m.

Q In Mudd Building, which floors are you regularly assigned to?

A Nine, eight, seven and one.

Q Do any other maids work on those floors with you?

A No.

Q Do you work on other floors?

A Yes. We do replace other workers who are on vacation and who are ill.

Q How frequently do you cover or replace these workers?

A Anytime that somebody does not show up for work, for illness or holidays or vacations, which is all year through.

Q What I meant was: How frequently, for example, within a week, how many times within one week would you be assigned to floors other than your regular assignment?

A You never know because you never know who is going to miss work, and we have been replacing three weeks some times.

Q When you started at Columbia, when you started working, were you told how many rooms you would be responsible for cleaning?

A Yes, no more than 40.

Q Currently, how many offices are you responsible for keeping clean?

A Now, 38 small ones, 12 laboratories.

Q Excuse me, 38 what?

A Large rooms. (In English) Small rooms.

MR. RAS: 38 small rooms, 12 laboratories, and 9 large rooms, and 3 classrooms.

MR. STITT: Your Honor, I was going to object to "large rooms," but I think I will just let it go.

THE COURT: Cross-examine on that.

Q Do you have keys which open and lock the rooms you are assigned to clean?

A Yes.

Q Do you empty trash?

A Yes.

Q Into what?

A In a barrel with a plastic bag.

Q How many plastic bags or barrel fulls of trash do you empty in one night?

A From two to four in each floor.

Q On each floor. What is contained in the trash? What does trash consist of?

A Papers, books, paper cups, paper. All kinds of things.

Q Do you empty trash from every room you are assigned to every night.

(In English without interpretation.)

A Yes.

(Question interpreted.)

A Yes.

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Q Mrs. Ortiz, do you use a dry-mop?

A Yes.

Q What areas do you use a dry-mop?

A In all the floors under my assignment, on my -- where I am working.

Q Does this include hallways?

A Yes.

Q Do you use a vacuum cleaner?

A Yes.

Q What type of vacuum cleaner do you use?

A I don't know how you call it. I have a sample here. I can show it to you.

(The witness handed a paper to Ms. Bodian.)

MR. RAS: Excuse me, maybe I make a comment so you understand. Sometimes, many people who are on those jobs from other countries do not know the names in Spanish because in their country they have never done these jobs and they may -- the way for them to understand is maybe using sometimes almost the English word which is the one that they learn here on these machines.

MR. STITT: Your Honor, if I may have the privilege of interrupting, the witness has just produced, and I am holding, what looks like a part of a newspaper advertisement that has a reproduction of an upright vacuum cleaner; the

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word "Hoover" can be seen on the bag portion of the cleaner

THE COURT: Why don't we --

MR. STITT: And also has the statement, "New Hoover. or the two letters that are missing, $44.95. That being in dollars and cents.

THE COURT: Why don't we avail ourselves of the witness' forethought and mark this for identification and staple it to a sheet of white paper.

(Plaintiff Secretary's Exhibit 127 marked for identification.)

Q Mrs. Ortiz, how many rooms do you vacuum every night.

A Twelve.

Q Could you give me an approximate size of those rooms?

A Seven small ones and five large ones.

Q Mrs. Ortiz, in the past, have you ever wet-mopped floors?

MR. STITT: I object to the form of that question, your Honor.

MS. BODIAN: Your Honor, the second part --

THE COURT: I will overrule the objection.

Is it on the ground it is leading?

MR. STITT: I believe it is leading. And also the

past, we don't know what past we are talking about or where it's been done.

THE COURT: That far I will sustain the objection.

Q When you began your employment at Columbia University in 1966, did you use a wet-mop?

MR. STITT: Your Honor, may the record show the university has a continuing line of objection to such testimony prior to March, 1971.

THE COURT: The record may so show.

Go ahead.

Q May we have the answer?

A Yes.

Q Where did you use the wet-mop.

A In the classrooms and in the halls.

Q How often did you use the wet-mop?

MR. STITT: May we --

THE COURT: Yes, I sustain the objection on the grounds of form.

MR. STITT: May we also fix the time, your Honor.

Q When you were using the wet-mop, did you use it every night?

A No, about twice a week.

Q Do you wash window sills, walls, or doors or furniture?

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A Yes.

Q How do you go about doing this?

A With water and soap; or with some sprays -- with some spray provided by them.

Q How do you carry the water?

A In a bucket -- a small bucket.

Q Do you do this in all the rooms you are assigned to clean?

A On my rooms, yes.

MS. BODIAN: That's all, your Honor.

THE COURT: Plaintiffs Walker, et al?

MS. GOODMAN: No direct, your Honor.

CROSS-EXAMINATION

BY MR. STITT:

Q Mrs. Ortiz, you testified on direct examination that on occasion, when other workers are absent, you substitute for them.

A Yes.

Q Is it true that the workers for whom you substitute are other maids or light cleaners?

A Yes.

Q Is it true that you do not substitute for janitors or heavy cleaners?

A No, I do not replace them.

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Q You testified that you did wet-mopping during 1966, approximately twice a week.

A Yes.

Q Do you presently wet-mop as part of your duties at Mudd?

A No, they double our work.

MR. STITT: I move to strike out the last portion of that answer.

THE COURT: I didn't hear it and I will strike it out. There is no question pending before the witness at this point.

Q Have you been assigned wet-mopping as part of your duties since March 11, 1971?

A No.

Q When was the last time, giving us the year if you would, that you wet-mopped as part of your duties at Mudd?

A 1968.

Q When did you do that wet-mopping back in 1966 and 1968 for two times a week? How often each night would you spend doing that wet-mopping?

A Over an hour.

Q How much over an hour?

A About an hour-and-a-half.

Q For each of those two nights?

A Yes.

Q And you stopped doing that wet-mopping in 1968?

A Yes.

Q Is it true that you were assigned to the 8th and 9th floors of the Mudd Building?

A Yes.

Q Is it true that you are assigned to classrooms, offices, and laboratories?

A Yes.

Q Is it true that your cleaning in the hallways is limited to dust-mopping?

A Yes.

Q Are you assigned to any other areas? And, if so, give them to us.

A In other areas when we are replacing other people?

Q I am talking about other types of offices, laboratories, etcetera.

A Well, the two floors that we have to check for the person absent, we have to do everything, check everything.

Q Let me put it this way to you Mrs. Ortiz: When you say classrooms, offices, laboratories, have I described fully the types of areas to which you are assigned?

A Yes.

Q Do you dust tables?

A Daily.

Q Do you wipe window sills?

A Yes.

Q Do you wipe spots from the walls?

A Yes.

Q As high as you can reach and no higher?

A That's all -- as far as I can reach.

Q You are not required to work on ladders?

A No.

Q Do you empty wastebaskets?

A Yes.

Q Do you empty ash trays?

A Yes.

Q Do you wipe and polish furniture?

A Yes.

Q And you push a dust mop as you go along the halls?

A Yes.

Q Are there any other duties that you have performed besides those or that you do perform besides those which we have just covered?

A No.

Q Does your equipment include rags and sponges?

A Yes.

Q You have testified that you use an upright Hoover

vacuum cleaner?

A Yes.

Q You have testified about using a dust mop. Is this a 24-inch dust-mop?

A Yes.

Q Do you have a cart?

A Yes.

Q On this cart, does this cart contain your equipment?

A Yes.

Q Do you use plastic bags?

A Yes.

Q Do you have a toy broom?

A Yes.

Q Is there any other equipment that you use during the course of your present duties at Mudd?

A Thing to pick up the garbage, a little -- something to pick up the garbage.

Q Is this a dust pan?

A Yes.

Q Have we now covered all of your equipment?

A Yes.

Q Are there men's and women's lavatories in Mudd?

A Yes.

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Q You are not assigned to these lavatories, are you?

A No, only to pick up the papers and -- of the ladies' room.

Q You don't clean these lavatories, do you?

A No.

Q The janitors clean the lavatories; isn't that the fact?

MS. BODIAN: Your Honor, I would like to know what is meant by "clean," because the witness has just testified that she picks up papers from this room.

MR. STITT: I will put another question.

THE COURT: Put another question.

Q Aren't these lavatories wet-mopped and sanitized each night?

A Yes.

Q Isn't it the janitors who do that work?

A Yes.

Q Are there elevators and stairways in Mudd?

A Yes.

Q You are not assigned to those elevators or those stairways?

A No.

Q Isn't it true that those stairways and those elevators are wet-mopped each night?

A I don't know. That's not my job.

Q I repeat the question to you the witness: Isn't it true that those stairways and those elevators are wet-mopped?

MS. GOODMAN: Objection, your Honor. The witness has already answered that question.

THE COURT: I will allow it.

Go ahead.

A I do my own job and duties. I don't know if they do it every night or not. This is the job of the supervisor.

Q Haven't you seen, during the course of your eight years at Mudd, janitors wet-mopping elevators and stairways?

A When they are assigned to it, maybe, but I do not know.

MR. STITT: I ask the reporter to read the question again for this witness.

THE COURT: Yes, read the question.

(Question read.)

A Well, when they are ordered to do it, the days, then they are supposed to do their job. I'd seen them, but no more.

MR. STITT: I move to strike the answer, and I call upon the witness for a yes or no answer to that question.

THE COURT: The answer is stricken.

A Yes, I saw them.

Q Isn't it true that the janitors still perform that task to this very day?

A Yes.

Q Have you ever seen janitors wet-mop the lobby at Mudd?

A If I saw that?

Q That is the question.

A Yes.

Q Do janitors still do that job at Mudd?

A Yes.

Q Do the janitors also wet-mop the corridors at Mudd?

A Yes.

Q Have you seen the janitors strip wax and buff floors at Mudd?

A Yes.

Q You are not required to perform any of those tasks?

A No.

Q What happens to the bags of rubbish after you remove them from your cart, Mrs. Ortiz?

A I take them to outside the elevator. I take them out of the barrel, and I leave them there.

Q Who takes care of them after you leave them at the

elevator?

A A janitor picks it up.

Q Where does he take it?

A He takes it to a cart that he has at the elevator.

Q Do the janitors put these bags of rubbish in a trash truck?

A Yes.

Q Isn't it true that trash trucks loaded with garbage are removed by the janitors from Mudd each night?

A Yes.

Q Isn't it true, Mrs. Ortiz, that you are not required to loan or to push those trash trucks?

A No, because that's not my duty.

Q Have you seen the floor machines which janitors use to strip, wax, and buff floors at Mudd?

A Yes.

Q Are you called upon to use such equipment in the course of your duties as a maid or light cleaner?

A No.

Q Have you seen the equipment which janitors use to wet-mop and sanitize the lavatories at Mudd?

A Yes.

Q Does that equipment include mop trucks?

A Yes.

Q Does that equipment include forty-four quart pails?

A I would not know what equipment.

Q Is it your testimony that you have never seen the pails or containers for the solution used by the janitors to clean the lavatories at Mudd?

A I saw it but I don't know how much water do they load.

Q You are not required to use such equipment in the course of your duties as a maid, are you?

A No.

Q Have you seen wet-dry, industrial-type vacuum cleaners at Mudd?

A What equipment?

Q Wet-dry, industrial-type vacuum cleaners.

A The only one I had seen is the one I use and they are all like that.

Q You are referring to your Hoover upright vacuum cleaner?

A That is the one I am using.

Q You are not required, Mrs. Ortiz, to use any larger or industrial-type vacuum cleaner in the course of your duties?

A No, because this one is heavy enough.

Q You are not required to handle 55-gallon drums

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of cleaning solvents?

A No, because this is the duty of the heavy-duty employee. This is done by the heavy-duty employees.

Q That is the job of the janitors or the heavy cleaners; isn't that so?

A Yes.

Q And you have seen them handle such drums; haven't you?

A The truth is that I haven't seen them because I do not know. I am doing my job, my own duties and I don't know what the others do.

Q Is there a time clock in Mudd where you punch in each night?

A Yes.

Q Is there a bulletin board by the time clock?

A Yes.

Q Are there notices on that bulletin board?

A Yes.

* * * * * * [1273]

Q Mrs. Ortiz, have you seen notices for job openings on that bulletin board?

A Yes.

Q Have you seen notices for openings in the heavy-cleaner position and also in the guard position?

A Yes.

Q Have you ever signed any of those postings or applied for any of those positions?

MS. BODIAN: Your Honor, we object to this question.

[1274]

mblm-36 Ortiz-cross

It's completely irrelevant to the case.

THE COURT: Overruled.

A No, because I cannot do a heavier job than the one I have already.

Q Mrs. Ortiz, I am going to ask you if you will give me your best estimate of your height and your weight.

MR. BERKE: Objection, your Honor.

THE COURT: Overruled.

A Four eleven, I believe, and 108 pounds.

* * * * * *

REDIRECT EXAMINATION [1275]

BY MS. BODIAN:

Q Mrs. Ortiz, who is your supervisor in Mudd Building?

A Mr. Thomas.

Q Do you know Mr. Shervington?

A Yes.

Q When was the last time you saw him?

A Saturday -- last Saturday.

Q How many times do you see him --

MR. STITT: If your Honor please --

THE COURT: What is this relevant to, if I may ask?

MR. STITT: I was also going to ask: How many times within a given period?

MS. BODIAN: I believe Mr. Shervington is going to be one of Columbia's witnesses, your Honor.

THE COURT: Well --

MS. BODIAN: I want to establish how frequently he is in contact with our witnesses.

MR. STITT: You mean in the course of their duties?

MS. BODIAN: Yes.

THE COURT: Normally, I would have expected this to be on direct examination but go ahead.

MS. BODIAN: Yes.

THE COURT: I will overrule the objection.

MS. BODIAN: Could you just repeat my former question.

(Question read.)

Q -- in the course of a week?

A Every night.

Q Do you know Mr. Ackroff?

A Yes.

Q When was the last time you saw him?

A Last Saturday.

Q Do you see him with the same frequency that you see Mr. Shervington?

A No.

Q Do you know Mr. Nye?

MR. STITT: I think Mr. Nye might be --

A Yes, I know him.

Q When was the last time you saw him aside from in courtroom?

A More than a month, more or less, ago. He came to my building.

Q Ms. Ortiz, do you know the names of the janitors who clean the bathrooms?

A Yes, Mr. Requeijo and Mr. Peralta.

Q Who wet-mops the corridors in Mudd Building?

A I couldn't tell you. They send different people there. They assign different workers.

* * * * * *

[1279]

Q Mrs. Ortiz, who, among the janitors, strips and scrubs the floors, that you have observed?

A Well, I know that it's always Mr. Santana.

* * * * * *

[1281]

Q When you cover for other maids, Mrs. Ortiz, do you empty trash from the rooms where you are regularly assigned to, in addition to trash from the other floors?

A Yes.

Q On a night that you are covering, then, what would be the maximum amount of trash that you would be collecting?

A We pick up -- we collect between two and three barrels in each floor.

Q So, how many floors do you work on when you cover?

A The two floors assigned to the person who is missing, or who is absent.

Q Is this in addition to your own floor?

A Yes.

* * * * * *

* * * * * * [1285]

MARIE LOUISE STAMPP, called as a witness by the plaintiff, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BERKE:

Q Mrs. Stampp, where are you employed?

A Columbia University.

Q How long have you been employed there?

A Five years and six months.

Q What building are you currently assigned to?

A Havemeyer.

Q Have you been assigned to that building throughout your tenure?

A Yes.

Q What position are you assigned to? What is your job title?

A Maid.

Q Do you understand that to be a light-cleaner job title?

A Yes.

Q What floors are you assigned to within the Havemeyer Building?

A Part of the third, the fifth, and the sixth.

Q What kinds of rooms do you clean on the third floor?

A I have a classroom and a lecture hall -- a part of a lecture hall.

Q What kind of rooms do you clean on the fifth floor?

A Laboratories.

Q How many laboratories do you clean on the fifth floor?

A It's ten. I am doing eight now; two is under construction, I think.

Q How long have they been under construction?

A Couple of months.

Q Prior to their going under construction, did you clean all ten?

A Yes.

Q What kinds of rooms do you clean on the sixth floor?

A There are three offices and I think four labs.

Q How do you go about cleaning this lecture hall on the third floor?

A Well, I use a broom to sweep the floor; and I use a dust cloth to mop the chairs.

Q Can you tell me: Do you also use a dust mop?

A I used to use it but not now.

Q Why is that?

A Because I fell --

MR. STITT: I object to the -- I will withdraw it, your Honor.

THE COURT: Why is that, Madam?

A I fell sometimes in last year by using the mop up there.

Q Can you explain how a mop would cause you to fall?

A Yes, the steps; I have to go step by step to go up, and I was mopping between the chairs and I missed my step backward coming to the end of it, missed my step and fell backward.

Q So after that you ceased using the mop?

A My supervisor told me to use a broom.

Q What affect does the use of the broom have?

A Well, it's a little difficult but I have to use it.

Q How does it -- what is the relation to --

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THE COURT: Strike that answer out. That is not responsive. Put your question again, Mr. Berke.

Q You fell when you used the mop. You now use the broom? What is the broom more --

THE COURT: How does the broom work? How do you work with the broom?

A It's a hand broom, and you go through sweeping between the chairs and --

THE COURT: Very good.

Q Now, what affect does the broom have on dispersing the dust in the room?

A Well, the floors isn't clean. It hasn't been cleaned for some times, and it's very dusty. When you sweep, the dust go up and the windows -- excuse me -- the windows is always open.

Q What about the dust on the furniture? Is there a lot of it?

A Yes.

MR. STITT: I object to"a lot of it."

THE COURT: Yes. Strike that.

MR. BERKE: Withdraw that question.

Q How much dust is there on the furniture?

A Well, on the chairs there are quite a lot.

Q What is the reason for that?

MR. STITT: Move to strike the answer, your Honor.

THE COURT: Well, I will permit it to stand. Overruled.

Q What is the reason for their having a lot of dust?

A Because the windows is open.

Q This lecture hall: Could you describe it for us?

A Well, there are steps going up; it's -- and there are two sections. There is a rail right around, and over that rail I work on top of up there. That's, I think, the way I can describe it.

Q How many chairs are in this lecture hall?

A About 339 -- both of us do it.

Q How are they arranged?

A Well, in rows, right around.

Q So when you sweep, where do you sweep?

A Between the chairs and between the rows of the chairs.

Q Is your broom treated?

A Beg your pardon?

Q The broom that you use in the lecture hall, is it treated?

A Will you explain it to me?

Q Treated with a compound of any kind?

A No.

Q So then how does the dust get up off the floor?

A May I explain that?

Q Yes.

A If you sweep -- for instance, if you're sweeping the floor now there and it is dusty, by sweeping, that dust lifts up.

Q Yes. But how do you then pick the dust up off the floor after you sweep it together?

A I use a dust pan.

Q And a toy broom?

A Yes.

Q How many times do you stoop to use this dust pan and toy broom?

A Well it depends on how dirty the classroom is. Maybe five times, four times, six times. It depends.

Q This is in the auditorium?

A Yes.

Q Aside from sweeping, what else do you do in the auditorium?

A I have to wipe off the window sills -- like those there.

Q And as to the chairs? What do you do to the chairs?

A I piles the chairs and I dust them.

Q And the desks?

A Beg your pardon?

Q The desks in the room -- are there desks in the room?

A Yes.

Q What do you do to them?

A That's the lecture hall, yes, you are talking?

Q Yes.

A Right.

Q What do you do to the desks?

A I am not -- I don't really partake -- look after the desks. That is the other girl down the bottom. She looks after that.

Q You work in this room with another person?

A Yes.

Q What is her name?

A Inez Robinson.

Q What is her job title?

A The same thing.

Q What about the classroom on the third floor? How do you go about cleaning it?

A I just dust-mop in the classroom. I mop the chairs and the window sills, also.

Q You mop the chairs?

A I dust the chairs --

Q Right.

A -- and mop the floors, dust the chairs and wipe the window sills.

Q Is that dust-mop treated?

A Yes, it's an oily mop.

Q It's an oily mop?

A Yes.

Q What happens to the dust as you go along the floor?

A Will you say that again, please?

Q What happens to the dust as you go along the floor?

A Well, the mop picks it up.

Q What happens to the mop as it continues to pick up dust?

A Then it gets heavy.

Q Would you tell us in what other areas besides the classroom you use this dust-mop?

A On the fifth floor.

Q In what sort of areas on the fifth floor?

A In the laboratories and in the hallways.

Q How long are the hallways that you clean?

A Well, I really don't know. It is five rooms both

ways so you know it's to the end of those five rooms.

Q It spans five rooms the hallway?

A Right, both sides.

Q How many hallways do you clean?

A Two.

Q Is that two on all?

A Fifth and sixth.

Q How often do you replace your treated dust-mop?

A We had two per week.

Q How many laboratories do you clean?

A Eight on the fifth floor and four on the sixth.

Q And you use that dust-mop in these laboratories as well?

A Yes.

Q What else do you do in the laboratories?

A I wash the sinks.

Q How many sinks are there?

A Right now I'd say four.

Q Four in each laboratory?

A There are more, but I wash four.

Q Four in --

A Just let me -- I think I have four on the fifth floor, and I have two on the sixth floor -- I think it's about six.

Q When you say four and two: Are those six sinks that you wash all told or is that four or two sinks within each laboratory?

A Yes; total.

Q Total?

A Yes.

Q So there is--how many in each labatory do you do?

A I would say three each.

Q I want to take you through this again because I am confused.

THE COURT: Mr. Berke, is this all that important?

MR. BERKE: I just want --

THE COURT: How many sinks?

MR. BERKE: I just want to bring out that she does do this on a recurring basis.

THE COURT: But she's said that. You could have covered that in one sentence instead of five minutes.

Q Now, did there come a time when there was construction being conducted next door to your --

A Yes, it was.

Q -- assignment. And what affect did that construction have on your duties?

MR. STITT: Your Honor, may we first fix the time of construction, please?

[1295]

mblm-57 Stampp-direct

Q When was that time?

MR. STITT: And what construction.

THE COURT: Well, we will explore that.

Go ahead.

A There is a Gym Building across from the lecture hall, and that's how we had that.

Q When was this being constructed?

A Well, it's not completed now. It is going on from early in January or so, coming up.

Q What affect did this have on your cleaning?

A Well, because the windows was open, we have a heavy pressure of dust in the classroom.

Q In the classroom?

A Yes.

Q Did it also affect the lecture hall?

A In the lecture hall rather.

Q What did you do to cope with this condition?

A Well, I have to use a scarf to tie around my face because it was very heavy doing that dusting.

THE COURT: Read that back to me, please.

(Answer read.)

THE COURT: Is this over your mouth?

THE WITNESS: Yes, right across here (indicating).

Q Mrs. Stampp, do you carry keys?

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FOLEY SQUARE

A Yes.

THE COURT: The windows are open even in the winter to cause this to happen, or not?

Q Will you answer the Judge, Mrs. Stampp?

THE WITNESS: Well, it is open -- whether it is cold or not, some of them is open; because Friday night most of them was open and it was cold.

THE COURT: How about December, January, February -- along in there?

THE WITNESS: Well, not all of them; but maybe two or so -- three.

Q You said you carried keys. How many rooms do you lock and unlock with these keys?

A I open all of the rooms but some of them is slam lock, so I only lock maybe -- I think I lock four.

Q Four. What kinds of rooms do you lock?

A I lock the office -- two offices and two labs.

Q Two offices and two --

A And two laboratories.

Q Are they master keys that you carry?

A No.

Q But each—a single key opens more than one door?

A Yes.

Q How many doors would a single key open?

A Eight on the fifth floor; two on the third floor.

Q Can you tell me at the end of a single -- before you replace a dust-mop, how much does it weigh?

A Well, honest, I could not tell you. I never tried to pick it up, to tell you, but I know it's heavy.

MR. STITT: May I move --

THE COURT: Yes, strike out the last answer.

MS. GOODMAN: Your Honor, I think we have been having "heavy," "light," "big," "small," throughout the transcript.

THE COURT: Yes, I will adhere to my ruling.

Q Is it heavier than when you started?

A Yes, because it picks up the dust.

Q Because it picks up the dust?

A Yes.

MR. BERKE: I just wanted that phenomenon, your Honor.

I have nothing more.

DIRECT EXAMINATION

BY MS. GOODMAN:

Q Miss Stampp, can you tell us exactly: When were you employed by Columbia -- the date? Do you recall?

A 20th of May, 1969.

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* * * * * *

[1299]

Q When you first were employed as a maid, were you given a training program or were you given any training?

A Will you repeat that? You say training?

Q Training -- were you trained for the job?

A Well, we went to the classes for a few nights and they tell us what we are going to do and things like that; if that's what you mean.

Q Who was in that class?

A I think it was a supervisor. I don't remember his name now.

Q Were men and women in the class?

A Yes.

Q Do you know what job the women who were in the class with you held?

A The same; all of us was on the same -- I mean was going to have the same position.

Q Which was maid?

A Yes.

mblm-62 Stampp-direct [1300]

Q And the men -- what jobs did they have?

A Janitors.

Q How did you know that they were janitors?

A Well, they told us there, because the position is called "maid" and "janitors."

Q Were there any female janitors in that training program?

A No.

[1303]

CROSS-EXAMINATION

BY MR. STITT:

[1304]

Q Mrs. Stampp, you testified about a broom which you used to sweep with in the lecture room.

A Yes.

Q This is a toy broom that you used in that room?

A I would call it a hand broom. I don't know what you mean by a toy. I call it a hand broom.

Q A whisk broom with a three foot handle on it, would that be a fair description?

A No, it's a long broom; that you use and sweep like this.

Q You use it with one hand?

A Yes.

Q Weighs about eight ounces?

A I guess.

Q That is your best estimate?

A Yes.

Q And there is another maid or light cleaner who works along with you in the lecture room and that's Mrs. Robinson?

A Yes.

Q You testified about a dust-mop. Is this a 24-inch dust-mop?

A Yes, it is.

Q With the handle, does that weigh about three-and-a-

half pounds?

A Could be more.

Q But about three-and-a-half pounds?

A Yes.

Q After you have done a particular room or area with that dust-mop, do you shake it out?

A No.

Q You never shake out your dust-mop?

A No, I sweep it off with the little broom, because it does not stick to anything.

Q When you use that dust-mop, do you ever shake it?

A No.

Q And you replace the duster portion of it twice a week?

A Yes.

Q You were asked about a training by Ms. Goodman; and I believe you said this included some classroom work -- some of your training was in a classroom. You were given instruction by -- you were given lecture-type instruction?

A Will you say that again?

Q Let me start all over again.

A Yes, please.

Q You testified that after you were hired by Columbia in 1969 --

A Yes.

Q -- you were given some training.

A Yes.

Q That training included classroom work?

A I wouldn't say it was a training. I would say it was -- I really went to classes and they told us we were going to use mops to mop the floor.

Q These would be the dust-mops that you were talking about?

A Yes, yes.

Q Were you taught anything about the motion of the dust-mop?

A They show it.

Q A pushing motion, is that right?

A Yes.

Q Were you taught about shaking the dust-mop out on occasion?

A No, they did not show us that.

Q Are you familiar with the floor machines that are used at the university to wax or strip floors?

A I have seen them.

Q Have you seen janitors use those machines on occasion?

A Yes, once in a while.

Q Did you receive any training in the use of those floor machines when you were first hired at the university?

A No.

Q Are you familiar with a wet-dry vacuum cleaner -- a large industrial type?

A I have seen it.

Q Have you seen janitors use that equipment at the university?

A Vacuum?

Q Yes.

A Does that mean to vacuum the rug?

Q No; a large industrial-type vacuum.

MS. GOODMAN: Objection, your Honor, to the use of "large."

Q By "large" I mean larger than an upright-type vacuum.

A No, never seen one.

Q In any event, you did not receive any training in the use of a vacuum cleaner which might be described as wet-dry or large industrial type?

A No.

* * * * * *

Q Is there a time clock at Havemeyer? [1309]

A Yes, there is.

Q Are there notices posted on that bulletin board?

A Yes.

* * * * * *

Q All right. [1310]

Have you seen job notices for postings for heavy cleaner jobs?

A Yes.

Q Have you signed any of those notices?

A No.

* * * * * *

[1313]

Q Do I understand that Havemeyer is a building in the chemistry department of the university?

A Yes, it is.

Q Are you assigned to the sixth and fourth floors?

A Six and fifth.

Q Six and fifth, and the areas you are assigned include classrooms on the third. Does it include offices?

A No. I have a lecture hall on the third and a classroom.

Q And labatories, do you?

A On the fifth.

Q Your hall work is limited to pushing your dust-mop?

A Yes.

Q Are you assigned to any other areas besides those we just covered?

A The sixth.

Q I mean the general type of areas that you're assigned to, that we have described?

A The hallways.

Q What is it?

A The laboratories and the hallways.

Q The laboratories and the hallways?

A Yes.

Q Are there any other areas to which you are assigned?

A No.

Q Your duties include dusting tables?

A Yes.

Q And wiping window sills?

A Yes.

Q And spot-cleaning the walls?

A Yes.

Q And you do that just as high as you can reach?

A Yes.

Q No higher. You are not required to work on ladders, for example?

A I never been on a ladder.

Q You have never been on a ladder?

A No.

Q You dust-mop and you wipe water fountains?

A Wash.

Q Wash them; but you do that with a damp cloth?

A I wash it with Ajax or soap.

Q And you use a sponge to do that?

A Bit of rubber.

Q You empty ash trays?

A Yes.

Q But you don't empty the waste baskets, do you?

A No.

Q The janitor does that?

A Yes.

Q Is that Mr. Beaton?

A Yes.

Q Your equipment includes the rags, the toy broom, and the 24-inch dust-mop?

A Yes.

Q Do you have a cart, Mrs. Stampp?

A No.

Q Do you have any contraption on wheels or -- do you have plastic bags in which to empty the ash trays?

A Yes.

Q How do you carry them?

A Tie a string around my waist and hang it from it.

Q Do you have a shopping bag for carrying your rags?

A Yes.

Q Do you use a vacuum cleaner in your work?

A No.

Q Or a carpet sweeper?

A No.

Q Is there any other equipment that you use in your job?

A No.

Q Are there men's and women's lavatories in Havemeyer?

A Will you say that again?

Q Are there men's and women's wash rooms or lavatories in Havemeyer?

A Yes.

Q You are not assigned to those, are you?

A No.

Q It's the janitors or heavy cleaners who are assigned to those areas?

A Janitors.

MS. GOODMAN: Objection, your Honor.

THE COURT: On what ground?

MS. GOODMAN: On the ground of the generality of it; because Mr. Stitt has been using constantly the janitors, and I think that it's a question of which janitors, how many janitors, when are they doing it.

THE COURT: I will overrule the objection.

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Q You have seen the janitors or heavy cleaners in these lavatories, haven't you, wet-mopping, sanitizing?

A No, I don't take any of that.

Q Isn't it a fact that those lavatories are cleared by janitors in Havemeyer every night?

A I don't know.

Q But you have seen them in there on some occasions?

A Yes.

Q Are there elevators and stairways in Havemeyer?

A Yes, there are.

Q Are you assigned to those areas?

A No.

Q Is it the janitors that clean the elevators and stairways?

A I think so.

Q Is that your best recollection that they do that work?

A Yes.

Q Have you seen them wet-mop those elevators and stairways?

A Yes, sometimes I am taking the elevators.

Q Isn't it true that there is wet-mopping going on in Havemeyer every night?

A No, I don't recollect that.

Q You don't recollect?

A If it does, I don't know.

Q I see. Your testimony is that it's not every night that you see a janitor with a wet-mop?

A No.

Q Is there a lobby in Havemeyer?

A A lobby?

Q A lobby, where you walk into the building.--

A Yes.

Q -- on occasion?

A No, I don't think so.

Q There is no lobby? Is there a first-floor area on Havemeyer --

A Yes.

Q --where you have seen janitors do some wet-mopping?

A There is a first floor.

Q And you have seen janitors wet-mop that floor on occasion?

A I am all around. I don't know just what they are doing.

Q But, in any event, you are not assigned to that task, are you?

A No, I am not.

Q You talked before about these machines used for

stripping and waxing and buffing. Have you seen janitors use those machines in Havemeyer?

A If I am on the floor, yes.

Q What areas have you seen them use those machines to do those things?

A Maybe in the hallways.

Q Is that your best recollection?

A Yes.

Q In any event, you are not required to do that task, are you?

A No.

Q Have you seen trash trucks in Havemeyer?

A No.

Q Is it true that trash is removed from Havemeyer each evening?

A I don't know.

Q In any event you are not required to push a trash truck at Havemeyer or out of Havemeyer, are you?

A No.

Q Have you seen any of the mopping equipment which janitors use in Havemeyer?

A Yes, I saw the pail that they use with the wet-mop.

Q Have you seen a mop truck that they use?

A I don't understand what you mean by "mop truck."

Q Have you ever seen a truck containing two 44-quart pails?

A No.

Q Have you ever seen a truck divided into two areas: one for the cleaning solution and one for the rinsing?

A Yes.

Q You have seen janitors working with those trucks?

A Yes.

Q You are not required to use that equipment, are you?

A No.

Q You don't use it,do you?

A No.

Q Are you familiar with or have you ever seen 55-gallon drums of cleaning solvents?

A Yes.

Q You have seen janitors working with those?

A I saw them moving it.

Q Have you ever been called upon to move such 55-gallon drums?

A No.

Q Or even help out?

A No; janitors help out.

Q On occasion, are you asked to fill in when another maid or light cleaner is out ill or for some reason is absent?

A Yes, I do.

Q But you are not required -- you don't fill in for a janitor, do you?

A No.

Q Mrs. Stampp, I am going to show you a document which has been marked University Exhibit H for identification. I am going to draw your attention to the, perhaps, the 16th line on the first page; and I ask you in the right-hand column at about that line, except for the misspelling -- does your name appear?

A Yes, it does.

Q And in the columns immediately to the right: Do you find your correct date of birth and your seniority date? Don't give us the date. Just tell me whether those two dates are respectively your date of birth and the date you first went to work for the university.

A Yes, it is.

Q Would you mind giving us, Mrs. Stampp, your height and weight, please, or your best estimate?

A Five-feet-two.

MR. BERKE: Objection, your Honor.

[1322]

mblm-84 Stampp-cross/redirect

THE COURT: Overruled.

Q And your weight, Mrs. Stampp?

A 185.

* * * * * * *

[1325]

B E L L E J A C O B S O N S E I B E R T, called as a witness by the plaintiff, being first duly sworn, testified as follows:

* * * * * * *

DIRECT EXAMINATION [1326]

BY MS. RODENHAUSEN:

Q Miss Seibert, would you please state your address for the record?

A 210 West 109.

Q Would you state your sex for the record, please?

A Pardon me?

Q Would you state your sex for the record?

A Female.

Q What is your job, Mrs. Seibert?

A A maid.

Q Where do you work?

A Columbia University.

Q When did you start working at Columbia University, Mrs. Seibert?

A March 21, 1955.

Q What building do you work in now?

A Chandler Building.

Q How long have you worked in Chandler Building?

A Since 1955.

Q Have you worked in any other buildings during the course of your employ?

A No.

Q Would you describe the Chandler Building for us?

A It's a nine-story building.

Q What areas are you assigned to clean in the Chandler Building?

A The offices on the second floor, third floor, the laboratory on the fourth floor, the offices on the fifth floor, and the offices on the sixth floor.

Q Do you clean any other areas on those floors?

A No, not now.

Q Did you at any time clean other areas in Chandler Building in addition to these floors?

A I used to do labs, used to do a bathroom.

MR. STITT: May we fix the time, your Honor?

THE COURT: Yes.

Q When you say, "I used to," what period of time are you referring to, Mrs. Seibert?

A From 1955 until '62 or '63. I think it was '63 when I went on nights.

MR. STITT: May I have a continuing objection to prior to 1971 testimony, your Honor?

THE COURT: You may.

Q During the years from 1955 to 1962 or '63, would you tell us what your duties were in Chandler?

A I did the half of the library, the labs on the

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fifth floor, the labs on the fifth floor, and half of the hall.

Q What did you do in these rooms?

A Sweep, damp-mop, dust.

Q When you say "damp-mop," what equipment did you use to damp-mop these areas?

A A wet-mop.

Q How long did you wet-mop these areas?

A Every morning.

Q Did you clean any bathrooms in Chandler during the time 1955 to 1962?

A I did the bathroom on the fourth floor when I was working nights.

Q How many toilets were in that bathroom?

A I think five.

Q Is that your best recollection?

A Yes.

Q Were there any sinks in those bathrooms?

A Four.

Q How did you clean the bathroom? Would you tell us, please?

A With a -- sponged it, and a mop on the floor.

Q I'm sorry, I can't hear you.

A And a mop on the floor.

Q Would you tell us what you do now when you clean Chandler on the floors you are assigned to?

A I vacuum and dust three offices and a lounge on the third floor, four offices on the second floor, all of the library, three offices on the fifth floor, and three offices on the sixth floor.

Q What do you use to vacuum these areas?

A A Eureka vacuum cleaner.

Q Is this the name of the vacuum?

A Yes.

Q Did you check the name of that vacuum before coming to court today?

A Not today.

Q When did you notice the name of your vacuum cleaner?

A Last week, when I was -- when I used it the last time.

Q How long have you used this vacuum?

A About one year.

Q What kind of vacuum did you use before that?

A A smaller Hoover.

Q A smaller Hoover vacuum cleaner?

A Yes.

* * * * * *

Q Mrs. Seibert, how much of your day do you now spend vacuuming in Chandler? How much of your shift?

A On three-and-a-half, four hours.

Q What do you do for the remainder of your shift?

A The library on the fourth floor.

Q What do you do in the library?

A Dust-mop, dust, pick up the trash.

Q What other floors do you clean?

A None.

Q Mrs. Seibert, your duties that you have given to us now, have they changed in the last year?

A They changed about a year ago.

Q In what way?

A I used to have the labs to do on the second and third floor, but no offices.

Q What did you do in the labs on the second and third floors?

A Dust-mop and dust.

Q Did your duties change in any other way?

A Now I don't have labs to do.

Q Does any other cleaner work in your shift on the floors you are assigned to?

A One heavy cleaner.

* * * * * * [1333]

DIRECT EXAMINATION

BY MS. GOODMAN:

* * * * * *

[1334]

Q At the time when you were first hired, you testified that between '55 and about 1962 or '63 that you wet-mopped and cleaned a bathroom. What rate of pay were you paid at for doing that work?

A How much? I don't remember.

Q Were you paid at the maid's rate or the janitor's rate?

A Maid's rate.

Q At that time, were janitors, to the best of your knowledge, paid more money?

A I don't know.

mblm-97 Seibert-direct [1335]

Q You were paid at the maid's rate though. When you first came on, were you given any training program?

A I worked with another maid for one week.

Q Did she sit down and show you how to do various chores?

A No, she worked with me. That's all.

Q Were you given any instructions on how to use the wet-mop?

A No.

Q What areas did you wet-mop at that time?

A The library on the fourth floor, the labs on the fifth floor, and one half of the hall.

Q Who did the other half of the hall?

A Another maid.

Q Was the other maid female?

A Yes.

Q At the time that you were doing this work, in 1955 through 1962 or '63, was any reference --

MR. STITT: I believe the time is fixed at 1962, your Honor.

THE COURT: or '3.

MR. STITT: Or'3?

THE COURT: Or '3, as I recall.

MR. STITT: I apologiz for the interruption.

Q During that period, did you ever hear of the term "shower maid"?

A No.

Q Did you know any people that were hired as shower maid?

A No.

* * * * * *

CROSS-EXAMINATION

BY MR. STITT:

Q Is it Mrs. Seibert?

A Yes.

Q You are assigned to the Chandler Building, Mrs. Seibert?

A Yes.

Q Is that part of the chemistry department of the university?

A Yes.

Q Is that tied in with Havemeyer in any way? Are those two buildings connected?

A Yes.

Q And you work on the second, third, fourth, fifth and sixth floors or parts thereof?

A Yes.

Q At the present time, you are assigned to classrooms and offices?

A No classrooms -- the library; no classrooms.

Q Do you do any work in the hallways?

A No.

Q Are you assigned to any other areas besides those that I just generally mentioned -- the library and classrooms?

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A I do all of the library and offices.

Q. All of the library?

A And the offices on the sixth, fifth, third and second.

Q You are not assigned to any classrooms and you are not assigned to any work in any corridors?

A No.

Q You are not assigned any work in the elevators and stairways?

A No.

THE COURT: Mr. Stitt, I am troubled by my ruling on Ms. Goodman's question, and let's stay with that a minute.

BY THE COURT:

Q Mrs. Seibert, you say you never applied for any other job at Columbia because you thought you wouldn't get it because you were a woman; is that right?

A No, I never applied for any job. I never applied for heavy duty -- I never applied for any job.

Q You are aware at this point that there are some women working as heavy cleaners?

A I am not aware of it, no.

Q I see. You are aware that there have been postings on the board?

A For heavy cleaners?

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BY THE COURT:

Q For heavy cleaners. For heavy cleaners and I -- and you never -- I just want to establish what the fact is: that you never did apply for that, whether or not you thought you'd been turned down, you just didn't apply; is that right?

A I think heavy cleaning is for men and light cleaning is for the women.

Q What did you understand to be involved in heavy cleaning?

A The men's work. There is a -- on the --

Q What kind of work?

A --on the bulletin board, it's spelled out.

Q When you looked at that, what did you see that influenced you not to apply?

A I just never cared -- I never gave -- wanted to apply.

Q In other words, you looked at that, some of the job requirements, and that caused you not to want to apply; is that it?

A No, I just did not want to apply.

Q Now, that is a little bit different than not applying because you thought you would be turned down, because you --

A I didn't apply.

BY THE COURT:

Q Because earlier -- and I am going to reverse my decision on this. I am going to admit that statement. Earlier you said you didn't apply because, being a woman, you thought you wouldn't get it.

A I still think the heavy duty jobs that are on the bulletin board are for the men.

Q Doesn't it say male or female?

A It does not, no.

Q Is it the nature of the task that caused you not to apply?

A I have all I can do with my own. I just never applied. I never --

Q In other words, what you are saying is that the nature of the task that you have now -- I don't want to put words in your mouth here, but are they about all you feel you can handle? Is that what you are saying to us?

A I don't know. I have all I can do with my own work.

MS. GOODMAN: Your Honor, I'd like to point out though the nature of the task that she has testified she did do -- wet-mopping.

THE COURT: I appreciate that. You elicited from her an answer that I am going to permit to stand, but I want

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to find out what the underlying basis is, because the conclusion is merely conclusory , and without having something behind it, really doesn't stand for very much; because there has to be some basis for her reaching that conclusion, and I am trying to understand what the basis is for her reaching that conclusion, and it would appear that she feels that the duties listed for heavy cleaners are really men's duties. Is that what it amounts to?

A I don't know as I mean that either.

BY THE COURT:

Q Mrs. Seibert, are they the duties that you personally didn't care to perform?

A No.

Q What was it about the duties that you saw listed that caused you not to --

A If I see a job on the bulletin board -- light cleaner -- I think it's for a woman. If I see a job on a bulletin board -- heavy cleaner -- I just say it's for a man and I have never been interested in changing, so I don't pay any attention to either one.

Q I see. All right.

* * * * * * *

[1344]

Q Mrs. Seibert, are you a member of the Transport Workers Union?

A Yes, sir.

Q I am going to call your attention to the University's Exhibit A in evidence -- the supplemental agreement dated October 12, 1972 -- and so that all of us, including those who don't have the exhibit before them may have an idea, I am going to read chapter 5 of that agreement, which states as

follows, or paragraph 5:

"In addition to the seven heavy-cleaner positions that were filled by light cleaners as of August 28, 1972, Columbia agrees to create six additional positions in the heavy-cleaner classification as soon as possible, and agrees that employees presently working as maids-light cleaners, shall be accorded the first opportunity to bid these positions in accordance with their university seniority."

I ask you, Mrs. Seibert, did you apply for any of those positions?

A No, I did not.

Q Were they brought to your attention?

A I think I heard it -- heard about it, but I --

Q Is it true that those were posted on your bulletin board concerning those positions?

A I think so, but I'm not sure.

Q It's your best recollection?

A I think so.

Q I show you Exhibit 8G in evidence -- corrected notice bearing date of September 19, 1972, for six heavy-cleaner positions. I ask you if you saw that notice. Is that the type of heavy-cleaner notice you have seen?

A I think that is the same type you put up.

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Q I am going to draw your attention to these duties that were listed: Operating heavy, motor-driven, cleaning equipment.

Have you ever done any of that kind of work, Mrs. Seibert?

A No.

Q Stripping floors -- have you ever done that?

A No.

Q Wet-mopping floors. When is the last time you picked up a wet-mop in the course of your duties at Chandler? Was it 1963?

A That's when I went on nights -- I think for some time after that I had -- I did mopping.

Q When did you go on nights?

A '63 or '64.

Q And since then, you haven't done any wet-mopping, have you, as part of your duties?

A Yes, when I -- in the library I have, but not in the last, maybe three years.

Q Three years?

A When I -- about three years that I have not done any wet-mopping.

Q Maybe four or five?

A No, I don't think so. I think it's three years.

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Q Three years?

A I haven't done any wet-mopping since I have both libraries to do.

Q And you haven't seen any other maids do any wet-mopping in that period?

A I haven't seen any other maids.

Q Removing heavy rubbish -- are you familiar with the trash trucks that --

A I have never seen a trash truck.

Q You have never been called upon to push one down?

A I clean the trash from my library.

Q You empty the waste baskets, isn't that right?

A Yes, yes.

Q You are not required to load these trash trucks and push them out of Chandler, are you?

A No.

Q That is done every night by the janitors, isn't it?

A Yes.

MR. BERKE: Can I have that last answer read back. I don't know if that was "I guess," or "Yes."

A Yes.

Q Shampooing carpeting -- are you familiar with the floor machines that are used to perform that task?

A No.

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Q So you haven't done this shampooing of carpeting, have you?

A No.

Q And receiving and storing 55-gallon drums, have you ever worked?

A No.

Q This job description calls for a lot of pushing and pulling and lifting, doesn't it, Mrs. Seibert?

A I don't know.

MR. BERKE: Objection, your Honor. The job description speaks for itself.

THE COURT: Sustained.

Q You recognize that a heavy cleaner's job calls for a considerable amount of pushing, pulling and lifting?

MR. BERKE: Objection, your Honor.

A I don't know.

THE COURT: On what ground?

MR. BERKE: On the grounds that so does any cleaning job. I don't see that it's self-evident.

THE COURT: This was brought up on -- occasioned by questions by Plaintiffs Walker, et al, and I will permit it.

You may go into it further on your redirect.

Q You realize that this job description calls for

work with floor machines?

A It certainly is.

Q And it calls for removing heavy rubbish from the building? You have seen janitors do that, haven't you, during your many years at Chandler?

A I don't know what "heavy rubbish" is.

Q You realize that janitors are called upon to do some heavy lifting?

MS. RODENHAUSEN: Objection to the form of that question.

Q Are you--

THE COURT: Sustained.

Q Are you familiar with the mop trucks that are used?

A What?

Q Who is assigned to the public lavatories at Chandler?

A Now a janitor; a man.

Q And have you seen the equipment that he uses to clean and sanitize those lavatories?

A Yes.

Q What does it consist of?

A A small pail and a mop.

Q Have you ever seen a mop truck?

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A I don't think so.

Q In any event, you haven't been required to use these mop trucks, have you?

A I used the pail and mop.

Q Just the pail but not a large mop truck with two 44-quart pails?

A I have never seen them. I don't think they have them in our building.

Q You have never seen those?

A No.

Q And you have never seen a large trash truck approximately six feet long, two or three feet wide six feet high?

A I have seen them in the area.

Q You know that janitors push those out every night, don't you, loaded with garbage?

A I think so, yes.

Q That is your best recollection?

A Yes.

Q Do you think you could push one of those trash trucks loaded with that heavy garbage?

MS. RODENHAUSEN: Objection, your Honor.

THE COURT: I will permit it.

Q Do you, Mrs. Seibert?

mblm-113 Seibert-cross

A If I had to.

Q Have you ever tried?

A I have never tried it, no.

Q Did you ever speak with Mr. -- do you know Mr. Shervington?

A Yes, sir.

Q Did you ever speak with him about applying for heavy-cleaner job?

A No.

Q Did you ever sign any heavy-cleaner notice?

A No.

Q Did you ever talk over a heavy-cleaner job with any supervisor of your union --

A No.

Q -- or shop steward?

A No.

Q You have mentioned some training you had received which was, I gather, in the form of working with another maid for the first week?

A Yes.

Q Did you receive any training and instruction in the use of floor machines?

A No.

Q Are you familiar with wet-dry industrial-type vacuum cleaners?

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A What?

Q You told us about your Eureka and your Hoover vacuum cleaners?

A Yes.

Q And these are upright vacuums each of them?

A Yes.

Q Have you seen any vacuum cleaners any larger than that at the university?

A Yes, in time gone by.

Q Just tell us, since a lot of your direct testimony was in time gone by, tell us about these heavier, larger vacuum cleaners you have seen. Describe them for us.

A It's a large, round -- that picks up water? Yes, a large, round vacuum cleaner that picks up water. Yes, I have used those.

Q You have used those? When is the last time you have used one?

A The last time we had a flood. I don't know really. Maybe --

Q Tell us.

A Three years ago, four years ago.

Q And not since then?

A No.

Q Isn't it the janitors who usually use those

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machines?

A I think it's the same machine that I used to use, as a vacuum cleaner in the lounge.

Q Isn't it true that it's the janitors who used those machines during the last few years?

MS. GOODMAN: Objection, your Honor. It's just been asked and answered.

THE COURT: Objection is overruled.

Q Would you answer the question?

A I think -- yes.

MS. RODENHAUSEN: May I have that last question and answer read back?

THE COURT: You may.

(Last question and answer read.)

MS. RODENHAUSEN: Thank you.

Q Your duties since March, 1971 have included dusting tables?

A '71?

Q Yes. Have you dusted tables?

A Yes.

Q During the past three years from say March of 1971?

A Yes.

Q All right. Have you wiped window sills?

A Yes.

Q Have you spot-cleaned walls?

A In the library, yes.

Q And you wipe these window sills and spot-clean these walls just as high as you can reach?

A Yes.

Q You don't work on ladders, do you?

A No.

Q When is the last time you worked on a ladder at Chandler?

A I don't think I ever worked on a ladder.

Q That is your best recollection?

A Yes.

Q Do you empty waste baskets at Chandler?

A Yes.

Q Are there any waste receptacles that you do not empty?

A No.

Q Do you empty ash trays?

A Yes.

Q Do you wipe and polish furniture?

A Desks; yes.

Q Does that fairly summarize your duties since March, 1971?

A Yes.

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Q Your equipment consists of rags and sponges?

A Yes.

Q And an upright vacuum?

A Yes.

Q And a 24-inch dust mop?

A Yes.

Q Does that weigh three-and-a-half pounds including the handle?

A I have no idea.

Q Do you have a cart, Mrs. Seibert?

A No, sir.

Q What do you use to empty the waste baskets into?

A I empty the waste baskets into a plastic bag.

Q A plastic bag. What do you do, just drag this along with you?

A Yes.

Q You also empty the ash trays?

A Yes.

Q Into that bag?

What do you carry these rags and sponges in? Do you have a shopping bag?

A I have a shopping bag I carry mine in.

Q Have we described the regular equipment that you use on your job since 1971?

A Yes.

Q You mentioned that you had been charged with the cleaning of a laboratory on the fourth floor up until 1962 or 1963?

A Yes.

Q Isn't it true that since at least March, 1971, you have not been assigned to the cleaning of laboratories?

A Yes.

Q You are not called upon to clean a men's room or a woman's room, for that matter, are you?

A No.

Q Who does that cleaning in those lavatories?

A A heavy cleaner.

Q Have you seen them do that cleaning?

A I haven't seen them, no, but I know they do.

Q Now, they are in there every night. Don't you --

A Yes, yes.

Q And the elevators and stairways and the lobbies: Are they attended to by the heavy cleaners?

A Yes.

Q Do the heavy cleaners wet-mop in those areas?

A I imagine so. I don't know.

Q Have you seen them do it?

A I have seen them cleaning. I don't know what they

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are doing.

Q Is it your testimony that you have seen heavy cleaners wet-mop stairs at Chandler?

A Yes.

Q Is it your testimony that you have seen heavy cleaners wet-mop lobbies at Chandler?

A Yes.

Q Is it your testimony that you have seen heavy cleaners wet-mop elevators at Chandler?

A I can't say that I have ever seen the elevator being washed, but that's not --

Q You are not assigned that task, are you?

A No, I am not assigned that.

Q So assuming that an elevator had to be wet-mopped, it would be a janitor who would do it?

A It's not my duty.

Q It would be the janitor who would do it?

A Yes.

Q How long have you worked at Chandler, Mrs. Seibert?

A Since 1955.

Q And the janitors, of course, wet-mop the corridors?

A Now; yes.

Q Since March, 1971 that is the case, isn't it?

A Yes.

Q Have you also seen the janitors strip, wax and buff those corridors?

A Yes.

Q And those lobbies?

A Yes.

Q Using the floor machines that I mentioned earlier?

A Yes.

Q You are not required to do that work, are you?

A No.

Q You testified that Chandler is nine stories high?

A Yes.

Q Plus the basement?

A Yes.

Q How many lavatories are there per floor?

A I don't know.

Q Are there two on each floor?

A Not -- no, I don't think so.

Q In any event, regardless of how many there are, men and women's rooms, it's the janitors who wet-mop and sanitize them?

A Yes.

Q You take your bag of trash to the elevator and leave it?

A To the hall, yes.

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Q When you decide you have enough trash in that bag, you leave it at the elevator?

A Yes.

Q What happens to it then?

A The janitor picks it up.

Q And this is done every night, is it not?

A Yes.

Q And the bags that you have, the bags that the other maids have, regardless of where they come from, are all picked up by the janitor?

A I only know about my own.

Q All right. What does the janitor do with his bag? Do you see what he does with it at any time during your 19 years in this building?

A It's all collected on the first floor. From there, I would never see it.

Q It's then taken out of the building in a trash truck, isn't it?

A Yes.

MS. RODENHAUSEN: Objection, your Honor.

Q This happens every night, doesn't it?

A Yes.

Q And the janitor pushes that trash truck?

MS. LIBOW: Your Honor, the witness stated before

that she had never seen it.

MR. STITT: And I am testing this witness' recollection.

MS. LIBOW: These are statements based on statements that she never saw it.

THE COURT: She has been there 19 years.

MS. LIBOW: And she testified she had never seen it.

THE COURT: And she testified she had seen certain things within the earlier --

MR. STITT: Yes, I think her recollection is becoming refreshed as we go along.

Q On at least one occasion in these 19 years, you have seen a janitor push a trash truck out of this building, haven't you, Mrs. Seibert?

A No, I have never seen him push it out of the building.

Q You have never seen it?

A No, I have seen the trash trucks out on the street when they used to be put out on the street, but I have never seen -- from the first floor down, I know nothing that goes on.

Q So you have seen them in the building and you have seen them out in the street?

A May I ask what do you mean by the "trash truck"?

Q You have seen the trash trucks? Let's establish that.

A That is the big trucks that the garbage goes out in the street?

Q Yes.

A Yes.

Q You have seen these in the building?

A I never seen them in the building.

Q You have seen them out in the street, haven't you?

A I have seen them out in the street.

Q And containing garbage that comes from your building?

A Yes, I have seen it.

Q And I ask you: Isn't it true --

MR. BERKE: Objection.

THE COURT: Overruled.

Q Isn't it true that it's the janitors who transport that trash truck from the building to the street?

A Yes.

Q And that is done every night, isn't it?

A Yes.

MS. GOODMAN: I move to strike the answer, your Honor, based on no foundation.

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THE COURT: It's based on the clearest of circumstantial evidence. The lady sees the garbage go down. She's seen it in the street. Somebody has to push it in the street

MS. GOODMAN: It's based on an inference.

MR. STITT: She's been there 19 years.

MS. GOODMAN: It's true, it might be an inference and it might be perfectly logical, but none-the-less --

THE COURT: All right; overruled.

Q To summarize, you don't use Clarke Floor Machines, do you?

A No.

Q If I were to suggest to you that mopping equipment includes 44-quart pails and a wringer and dolly and solution, your testimony would be that you don't use that equipment?

A No.

Q You never used that instrument, those large mop trucks?

A No.

Q 55-gallon drums -- you have never handled those, have you, Mrs. Seibert?

A No.

Q And you don't handle step ladders, do you?

A No.

Q Mrs. Seibert, I am going to ask you to give me, if

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[1363]

mblm-125 Seibert-cross

you would, your height and weight, please?

MS. RODENHAUSEN: Objection, your Honor.

THE COURT: Overruled.

MS. LIBOW: Objection, your Honor.

THE COURT: Overruled.

MS. LIBOW: The usual objection.

THE COURT: Yes.

A My height and weight?

Q Please.

A I am five-foot-four. I am 180 pounds.

* * * * * * *

REDIRECT EXAMINATION

[1367]

BY MS. RODENHAUSEN:

* * * * * * *

[1368]

Q Mrs. Seibert, how many janitors work on the floors that you work in on your shift in Chandler?

A Three.

Q Do you know the names of these janitors?

A There's McDougal, Miles and Derac.

Q Do you know when Mr. Derac came to work in your building?

A Last year.

Q Do you know the areas that he cleans?

A He does the labs on the second, third, fifth and sixth floor.

Q Do you know who did the labs before Mr. Derac was assigned to do them?

A Mrs. McNally and I.

Q Mrs. Seibert, you testified to seeing janitors using buffing machines in your building?

A Yes.

Q On your shift, how often during your nightly shift do you see a janitor using buffing machine?

A They're not on my floor every night. There is one for the whole building. He is not on my floor. I don't very often see him.

Q When you see him, he is using the machine?

A When he is on my floor -- one of my floors.

Q How often is that?

A Probably on my floors, one floor a week. They don't -- he does not work on the same floor every night. He works on -- some of the labs some nights and some of the labs another night.

Q Which janitor?

A He does the whole building. He does a different floor each night.

Q Which janitor is that?

A Mr. Miles.

Q Did you ever see either of the other two janitors using any floor machines?

A No.

MS. RODENHAUSEN: Thank you.

THE COURT: We will take a recess for ten minutes.

(Recess.)

B E L L E J A C O B S O N S E I B E R T, resumed.

REDIRECT EXAMINATION

BY MS. GOODMAN:

Q Mrs. Seibert, you had said on cross-examination that you don't go near any of the equipment in the labs now?

A No.

Q What did you mean by "not now"?

A I don't do the labs anymore.

Q When you did the labs, what did you do?

A Well, in the beginning, I washed the floors every day.

MR. STITT: May we fix a time, your Honor? Are we back to 1963 again or --

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THE COURT: Yes, let's fix the time.

Q What point in time are you relating this to?

A When I first started.

Q That is 1955. Was that 1955? I'm sorry.

A Yes.

Q And you worked in the labs for how long?

A Eight years, mornings.

Q When you worked at nights, did you work in the labs?

A Yes.

Q For how long was that?

A Until last September or October; September, I think.

Q Of 1974 or '73?

A '73.

Q What did you do in the labs when you worked there?

MR. STITT: May we fix the time again?

Q When you worked there in 1973, what did you do?

A Dust-mop and dust.

Q When you first started working there, what did you do?

THE COURT: In 1955, right?

Q In 1955.

A I washed the labs every morning and dusted them.

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Q For how long did you do those chores in the labs?

A Until I went on nights. I think it was eight years.

Q And that was about 1963 -- '64?

A I think it was -- yes.

Q What chores did you do in the labs in 1963 and '64 when you first started working at nights in the lab?

A I dusted -- dust-mopped and dusted the labs.

Q Did you deal with the equipment at all? Did you do anything?

A No, no.

MS. GOODMAN: No further questions.

RECROSS-EXAMINATION

BY MR. STITT:

Q Mrs. Seibert, on redirect examination, I believe you mentioned a heavy cleaner by the name of Deruc.

A Yes.

Q It's D-E-R-A-C?

A I think so.

Q When did he come to work in Chandler, to your knowledge?

A Last September, I think.

Q Did you observe him in the performance of all of his duties?

mblm-135 Seibert-recross

A Well, we work on the same floors; if I see him, yes; if I don't, no.

Q Have you ever seen him work on the first floor?

A I am not on the first floor.

Q Isn't it a fact that he damp-mops that first floor on occasion?

A I don't think so.

Q Have you ever seen him work on the eighth, fifth, fourth and second floors?

A Fifth, yes.

Q You have never seen him on the eighth, the fourth, the second?

A I think his floors are the second, third, fifth and sixth.

Q Is it true that he cleans men's and ladies' rooms?

A No, he does not.

Q How often do you see Mr. Derac?

A We both work on the second, third, fifth and sixth floors; maybe at the same time and maybe not. I can't say that I'd see him every day, every night, but I can't say how many times.

Q Is it your testimony that that man never damp-mops?

A He does damp-mop.

mblm-136 Seibert-recross [1374]

Q All right. Where does he damp-mop?

A He does the labs and the hall.

Q So when you say he works in the labs and the halls, you mean he damp-mops in those areas, don't you?

A Yes.

Q Have you ever seen him wax and buff in the halls?

A No, because that's -- no.

Q Another man does that?

A Yes.

Q Have you ever seen him work on the stairs?

A No.

Q You have only seen him damp-mop the floors in the hallways?

A Yes.

Q Those are the things you have seen him do?

A Yes.

* * * * * *

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